

## **SECTION V**

### ***DEVELOPMENT STANDARDS***

#### **A. DRAINAGE**

All developments shall be designed and constructed such that the one-hundred-year or one percent (1%) chance, and more frequent storms, are retained within the development and released at no more than the natural historic rate for the frequency of the storm. All drainage plans shall be approved by the City Engineer and may be required for any building or other permit. Structures intended for human habitation or occupation shall be designed and constructed such that the first floor or window well or a waterproof basement is at least two (2) feet above the natural water level for the area during a one hundred-year storm.

In cases where the City Engineer reasonably believes that there is a reasonable expectation that land is within the one hundred-year flood plain of a water course, regardless of the zoning (subject to submission and acceptance of a competent proof by a qualified registered engineer to the contrary), the provisions of FC, Flood Control Zoning shall apply.

**B. EXCAVATION, GRADING, AND/OR OFF-PREMISES HAULING OF MATERIAL NOT CONSIDERED A COMMERCIAL MINERAL DEPOSIT**

The hauling of topsoil or other material not considered a commercial mineral deposit shall be considered a temporary use in all Zone Districts, subject to the following:

**1. Application Procedure**

- a. \$50.00 fee
- b. Proof of right to operate on property
- c. Legal description and survey of property, key, and area map
- d. Description of character of area, including, but not limited to, surrounding zoning and uses, names of adjacent property owners, etc.
- e. Description of operation including but not limited to, what is to be excavated, for what purpose, where to be transported, depths of excavation, equipment to be used, route plan, numbers of expected trips/day, hours of operation, number of working days estimated for operation, name of supervisor, description of measures to be taken to prevent erosion and dust problems, signs to be posted, etc.
- f. Description of afteruse, including, but not limited to, intended afteruse, elevation and contours of land upon completion, drainage, re-vegetation, time schedule for completion or rehabilitation, etc.
- g. Special requirements depending on size, shape, and location of property
- h. A bond of \$2,000.00 per acre on the first five (5) acres and \$500.00 an acre for every acre thereafter shall be required to guarantee performance
- i. Such permit shall be subject to reissue, but shall only be for a specific period of time not to exceed ninety (90) days time. In any case where the Chief Building Inspector does not reasonably believe that such use is compatible to an area, he shall refer the request to the Board of Adjustment for approval.

## C. FENCE AND SIGHT TRIANGLES

1. **Purpose.** The purpose of this section is to regulate the installation of fences, hedges, landscape materials, walls and any similar screening methods to provide safety and security as well as visual barriers, while minimizing the impacts that result from fence location and height. A fence, hedge, landscape material, wall and any similar screening method which includes retaining walls, columns, posts, piers, or similar structures, or any combination of such structures, is permitted if it meets the standards of this section.
2. **Permit and Fee Required.** No person, firm, or corporation shall construct, establish, or build or cause to be constructed, established or built, a fence, wall or other similar structure unless a separate permit for each such fence, wall or similar structure has first been obtained from the Chief Building Official. The fee for this permit shall be established annually by resolution of the City Council.

Major fence or wall replacement or repair requires a building permit.

3. **Sight Triangles.** A sight triangle shall be preserved in the area formed at a corner intersection of: public right-of-way and a driveway; alley and public right-of-way; and the intersection of two public rights-of-way. The erection of any fence, wall, hedge, or landscaping material over thirty inches (30") above the top of the curb which obstructs a motor vehicle operator's view, shall not be permitted within the sight triangle as outlined in Chart "A" — Sight Triangles. These sight triangles are measured from the point of intersection of the curb returns of the intersecting streets, drives, or public rights-of-way. Where no curb exists, the measurement of the sight triangles shall be made from the intersection of the edge of pavement. Where pavement does not exist, the sight-triangle shall be measured from the edge of the right-of-way. Where there is no curb, the height of any fence, wall, hedge, or landscaping material shall be measured from the top of the existing road surface nearest to the property line.
4. **Fence, Wall, Hedge, Landscaping Material Maintenance.** Dilapidated, dangerous fences or walls, ones in disrepair, or fences or walls causing traffic sight hazards shall be removed when so ordered by the Chief Building Official or his or her designee. Further, any landscaping material encroaching into a sight triangle and causing traffic sight hazards shall be removed when so ordered by the Chief Building Official or his or her designee.
5. **Prohibited Fences.** No barbed wire fences or fences topped with barbed wire shall be erected or maintained in any zone district except in Industrial, A/R Agricultural/Residential, A/E Agricultural/Estate or Public Land Zone Districts. No other type of sharp pointed fences or electrically charged fences shall be erected or maintained in any part of the City, unless required for public safety purposes as determined by the City.
6. **Location on Property.** All property lines shall be located in order to determine that no fence, hedge, or wall extends beyond or across a property line, unless an agreement with the abutting property owner is obtained. In some circumstances, a fence may be erected so as to

***FENCES AND SIGHT TRIANGLES - continued***

extend beyond the property line when permitted by the City on public easements or across drainage ditches or swales subject to the following:

- a. The fence must be constructed so as not to impede the flow of storm runoff.
- b. The removal and/or replacement of such a fence for utility maintenance, public improvements construction, or other purpose shall be the responsibility of the property owner, not the City, unless otherwise provided in the public easement documents.

7. **General Fence and Wall Requirements.** Fences, walls, or hedges used for any purpose shall conform to the following:

- a. **Setbacks.** No fence, wall, or hedge shall extend beyond the property line and shall be maintained at a minimum setback of eighteen inches (18") from public sidewalks, while preserving all sight triangles. Where public sidewalks exist, fences may encroach into the public right-of-way up to the back of the public sidewalk with Planning Department approval. However, if the sidewalk is repaired, the removal and/or replacement of any fence placed within the setback area shall be the sole responsibility of the property owner.
- b. **Height Measurements.** Generally, the height of a fence or wall shall be measured from the finished grade directly beneath a fence or upon which a wall is located.
- c. **Fences on Retaining Walls.** A fence located on a retaining wall shall not exceed a combined height of six feet for residential districts and eight feet for commercial, industrial, and public land districts.
- d. **Fences on Berms or Mounds.** A fence or wall located on a berm or mound shall include the height of the berm or mound directly beneath the fence and above natural grade in the overall height measurement. The maximum total height for a fence or wall on top of a berm or mound shall be six feet for residential districts and eight feet for commercial, industrial, and public land districts.
- e. **Temporary Fences Required for Construction Sites When Adjacent to School Land.** A construction project that is commercial, industrial or governmental in nature or the construction of a residential subdivision must ensure that school children are not exposed to health and safety risks arising from construction work. Therefore, all construction projects adjacent to school sites must provide the following:
  - (1) Adequate perimeter fencing, at least six feet in height and no more than ten feet in height, is installed on the construction site before construction work commences, and that it is maintained during the construction work; and
  - (2) Signs are placed on each construction site, clearly visible from outside the site, stating the names and contact telephone numbers of the persons with

***FENCES AND SIGHT TRIANGLES - continued***

control of the construction work, including an after-hours emergency telephone number.

- f. **Fencing Around Athletic Facilities.** Fencing around athletic facilities, shall be allowed as follows:

- (1) **Tennis Courts.** Maximum of twelve feet (12') in height so long as all portions above seven feet (7') are constructed with at least fifty percent non-opaque materials.
- (2) **Back Stop.** Maximum of twenty feet (20') in height.
- (3) **Golf Range.** Maximum of thirty feet (30') in height.
- (4) **Other.** All other athletic facility fencing shall be no greater in height than ten feet (10'), unless necessary for the general health, safety, and property enjoyment of nearby residents, as determined by the Community Development Director.

- g. **Fencing During Development.**

- (1) When construction extends beyond a six-month period from the date of issuance of a building permit, a construction fence is required. For construction periods under six months, a fence may be erected at the discretion of the developer or by order of the City in situations of imminent danger.
- (2) The fence shall be made of V-mesh or chain link, or other material approved by the Chief Building Official, and shall be between six and eight feet (6' – 8') in height. Gates into the fenced enclosure shall be provided as required by the Greater Brighton Fire Protection District for emergency access and the location of the gates shall be at the discretion of the City. The fence shall be signed to indicate emergency access routes and no trespassing.

8. **Fencing Requirements by Type of Use.**

- a. **Residential Fencing**

- (1) **Front Yard.** In the front yard, three feet (3') is the maximum height allowed for solid fences, measured from the top of the adjacent curb or, where no curb exists, the adjacent road surface. This height limitation for fences in the front setback may be extended to a maximum of four feet (4'), if fifty percent (50%) or more of the surface of the fence is open.
- (2) **Side Yard.** The maximum height allowed for fences located behind the front building line (excludes front porches) of a dwelling is six feet (6').

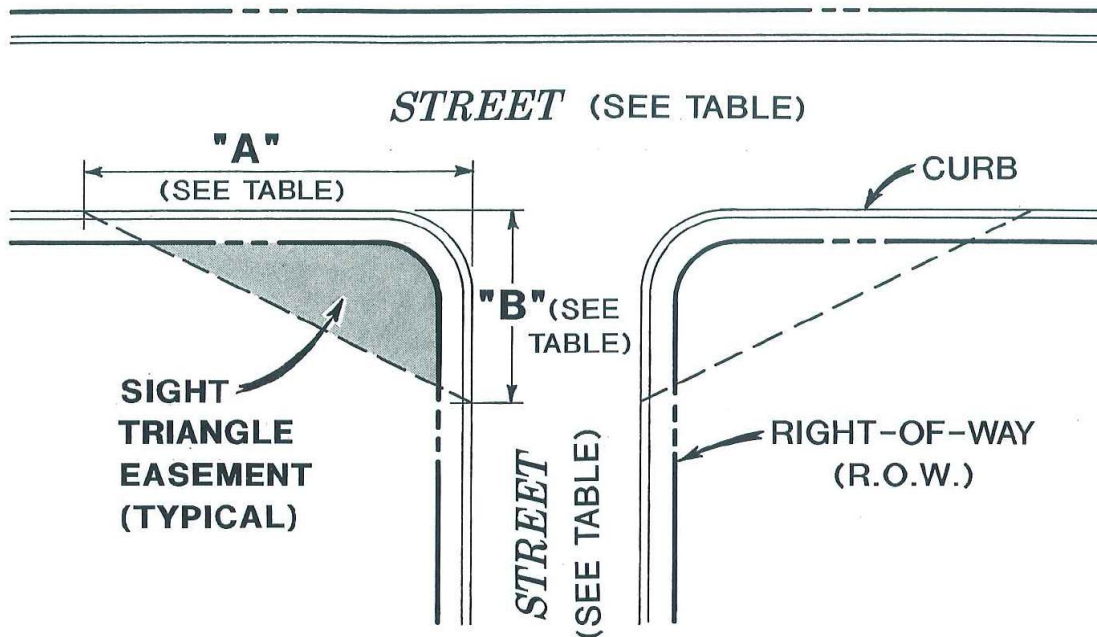
***FENCES AND SIGHT TRIANGLES - continued***

- (3) **Rear Yard.** The maximum height allowed for fences located on the rear lot line of a dwelling is six feet (6').
  - (4) **Reverse Corner Lots.** Reverse corner lots adjacent to street rights-of-way shall be held to the fencing restrictions as demonstrated in Chart "B" – Reverse Corner Lots. Fences will be allowed up to a maximum of six feet (6') in height when located one-half (1/2) the distance between the property line and the building setback; the area between the street and the fence must be landscaped according to landscaping regulations for that particular zone. Fences as set forth in Front Yards above, may be placed up to eighteen inches (18") from public sidewalks within the side yard as further demonstrated in Chart "B."
  - (5) **Maximum Fence Height Exception.** In the event that the Planning Division or Building Division deem it necessary for the general health, safety, and property enjoyment of citizens, an eight foot (8') fence may be allowed to separate residential dwellings abutting commercial, industrial, or other conflicting uses.
  - (6) **Pet Enclosure.** One (1) pet enclosure is allowed for each residential property and shall not be in excess of 100 square feet with a maximum fence height of six feet (6'). Such enclosure shall be in the rear yard and not closer than five feet (5') to any lot line.
- b. **A/R Agricultural/Residential and A/E Agricultural/Estate Districts Fencing.** Perimeter lot line fencing shall consist of open fencing (wire mesh is allowed to be attached to open rail fencing). The maximum height of a privacy fence shall be six feet (6'). Fencing consisting only of barbed wire and/or including low voltage electrical strands is also permitted in these zone districts for the confinement of livestock only. The maximum fence height may be increased at the discretion of the Director for the containment of wildlife or livestock as may be required by Colorado law.
- c. **Industrial Fencing.**
- (1) No fence of any type more than forty-two inches (42") in height shall be permitted within any required landscaping area, nor shall any fence enclose any landscape area or front setback area which prevents viewing said areas.
  - (2) The maximum height of any fence within an industrial zone district is ten feet (10'), which may include not more than four strands of barbed provided the barbed wire is located not less than six feet (6') above the ground and may be placed at not to exceed a forty-five (45°) angle from vertical. Fencing consisting only of barbed wire is prohibited.
- d. **Commercial Fencing.**

***FENCES AND SIGHT TRIANGLES - continued***

- (1) No fence of any type more than thirty-six inches (36") in height shall be permitted within any required landscaping area, nor shall any fence enclose any landscape area or front setback area which prevents viewing said areas, except as may be permitted by the Commercial Design Standards.
  - (2) Any fence in an interior side yard or rear yard shall not exceed eight feet in height, except as may be permitted by the Commercial Design Standards.
- e. **Flood Control Districts.** No fence shall be permitted in floodway areas which could impede the flow of flood waters, accumulate debris or which cannot be anchored to prevent flotation, collapse or lateral movement during flood periods.
- f. **Public Land Districts.** As of the effective date of this ordinance, any fence used for safety or security purposes at any facility within a public land zone district shall be subject to the review of the City and shall not exceed ten feet (10') in height and shall be subject to the same requirements as those for industrial zone districts.

## CHART "A" SIGHT TRIANGLES

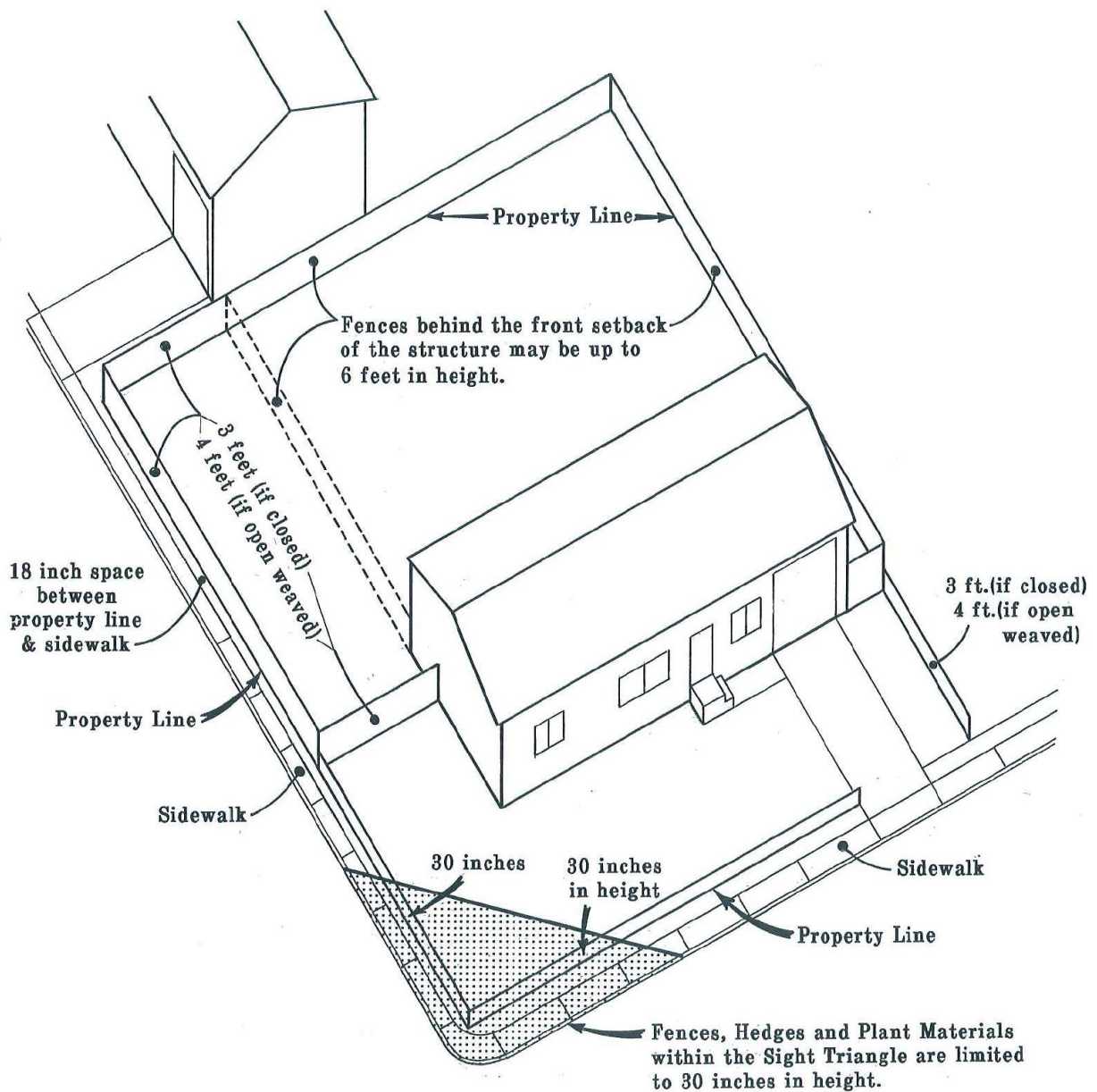


### TYPICAL REQUIREMENTS BY STREET TYPE (MEASURED ALONG R.O.W. LINE)

		"B" (DISTANCE IN FEET)				
		ALLEY, COMMERCIAL, INDUSTRIAL PROPERTY ACCESS	RESIDENTIAL ACCESS	COLLECTOR	ARTERIAL	STATE HIGHWAY (Over 45 MPH)
"A" (DISTANCE IN FEET)						
15	ALLEY, COMMERCIAL, INDUSTRIAL PROPERTY ACCESS	15	30	40	50	100
30	RESIDENTIAL ACCESS	15	30	40	50	100
40	COLLECTOR	15	30	40	50	100
50	ARTERIAL	15	30	40	50	100
100	STATE HIGHWAY (Over 45 MPH)	15	30	40	50	100



## **CHART "B" – REVERSE CORNER LOTS**



(See Sight Triangle Requirements, Chart "A")

## **D. LANDFILLS**

1. **Temporary Clean Landfill.** The dumping of non-organic clean fill which will not degrade ground water (i.e. consisting of dirt, gravel, rocks, concrete, brick, etc.) shall be allowed as a temporary use in all zoning classifications. Clean fill shall be completed within ninety (90) days after the initial date of the issuance of the temporary permit and be covered with inches (18") of topsoil.

- a. **Application**

- (1) A temporary permit may be obtained from the Building Department upon the filing of an application requesting a temporary use and accompanied by a \$50.00 application fee.
- (2) The Building Department may impose conditions, bonding, and insurance necessary for the health, safety, and welfare of the inhabitants of the surrounding area.
- (3) Such temporary permit shall be subject to reissue, and shall be issued for land less than five (5) acres in size, requiring less than fifteen feet (15') of fill, and for dry pits only.

2. **Sanitary Landfills.** A public or private dump shall not be operated within the meaning of these regulations without first having obtained a certificate of designation from the City Council and subject to conditions set forth below.

- a. **Application**

- (1) The application for a permit to operate shall set forth the location of the site and facility, the type of site and facility, the type of processing to be used, the hours and days of operation, the method of supervision, the rates to be charged, and any other information pertaining to the operation, care, and maintenance of said site and facility.
- (2) A report prepared in accordance with the State Health Department regulations concerning such a site and facility and a recommendation from the Department for approval.
- (3) Prior to the City Council public hearing the property shall be posted for a period of fifteen (15) days. The sign, or signs, shall be posted in conspicuous locations, visible from the public rights-of-way.
- (4) Application fee of \$150.00.

*LANDFILLS - continued*

3. **Permit Requirements**

- a. **Permit Fee.** An annual permit fee of \$300.00 shall be paid.
- b. **Time Period.** A permit to operate a public or private sanitary landfill site shall be issued for periods of time and subject to conditions as determined by the City Council.
- c. **Bond.** Permittee shall post a performance bond with the City of Brighton as determined by the Council to insure compliance with standards of these regulations.
- d. **Insurance.** The permittee shall provide liability insurance in the sum required by the City Council.
- e. **Cancellation of Permit.** The City Council shall have the power to cancel permits for violations of any of these regulations or conditions imposed by said Council. Upon at least ten (10) days notice to the permittee, the Council shall hold a hearing to determine the nature and extent of the alleged violation and shall have the power, and upon good cause, to cancel or revoke the permit and to require corrective measures to be taken.

4. **Operation Standards.** The following are minimum standards to be observed by all permittees, private or public:

- a. A sign shall be posted at the entrance stating the operating days, hours, and restrictions. Dumping shall not be permitted when wind velocity exceeds thirty-five miles per hour (35 MPH).
- b. All dumps shall have wire fences no less than eight feet (8') high with posts not less than ten (10) feet apart. All fences shall be of mesh type with meshes not exceeding two inches by two inches (2" x 2") and be made with at least 14 gauge wire.
- c. Fence rows and adjacent areas shall be cleaned periodically to remove accumulated debris.
- d. Burning shall not be permitted.
- e. Only garbage which is dry and wrapped shall be permitted.
- f. Dumping of automobiles and automobile bodies shall not be permitted.
- g. The maximum length of trees or logs permitted to be dumped shall not exceed six (6) feet. Said logs shall be not less than six (6) feet below surface of the dump upon completion.

***LANDFILLS - continued***

- h. The refuse deposit shall be covered with six (6) inches of dirt at intervals as determined by the City Engineer.
- i. Each fill site shall be filled to grade, allowing for settling, and shall be topped with a minimum of two (2) feet of clean soil. Final surface of the site should be graded to prevent ponding of water.
- j. Sanitary facilities for personnel shall be provided.
- k. Telephone or radio communication shall be provided.
- l. No toxic chemicals, radioactive materials, materials contaminated by radioactive substances, or explosives shall be disposed of in sites not specifically designated by the Council for that purpose.
- m. Waste deposited shall be compacted into layers as determined by the City Engineer.
- n. Operator shall provide for prevention of water pollution.
- o. Operator shall provide for the control of flies, mosquitoes, rodents, and other disease vectors at disposal site.
- p. Operator shall provide for the control of dust and obnoxious odors.

## **E. LANDSCAPING**

1. **General.** The landscape and tree plan should indicate a well-designed treatment of exterior spaces which measurably improves the overall quality of the project and must provide an ample quantity and variety of ornamental or native plant species regarded as suitable for Brighton's climate. Landscape treatment should include trees, shrubs and other plant material with sufficient use of upright species for vertical control. Plant material selections will be reviewed for adaptability to physical conditions and arrangements indicated by site plan locations. Plans which display skimpy use of plant material will not be approved. By the same token, utilizing existing natural landscaping and trees is encouraged.
2. **Requirements for Landscape Plan**
  - a. **Landscape Materials.** Landscape materials shall be living trees, shrubs, vines, flowers, grasses, and ground covers and may include water bodies, crushed rock, sand, wood chips, landscape furniture, and ornamental pieces.
  - b. **Landscape Plans.** As part of a development application, landscape plans shall be reviewed by the Planning Division who may seek advice from the Parks and Recreation Department as to proper planting procedures and recommended planting materials.
  - c. **Extent and Location of All Plant Materials and Other Landscape Features.** Plant material must be identified by direct labeling on the plan or by clearly understandable legend. Flower and shrub bed definition must be clear and drawn to scale with dimensions. Proposed plant material should be indicated at mature sizes and in appropriate relation to scale. Species and size of existing plant material (if any) is to be indicated. Proposed treatment of all ground surface must be clearly indicated (paving, turf, gravel, etc). Sodding is required on turfed areas with heavy public exposure.
  - d. **Topographic or Grading Plan.** Final topographic data, or a separate grading plan may be required. Scale shall be adequate to show sufficient detail.
  - e. **Location of Water Outlets.** If areas of planting are extensive, plans for an underground sprinkler system shall be required.
3. **Properties Affected.** The provisions of this section shall apply to the following:
  - a. All developments, except single-family detached dwelling units.
  - b. Additions or alterations to a present structure(s) or the erection or placement of an additional structure or structures upon the lot or non-subdivided property resulting in a percentage increase in the gross floor area exceeding fifty percent (50%) of the present structure(s). All such additions, alterations, repairs, and additional

*Landscaping - continued*

structures shall be considered cumulative in determining the percentage increase.

**4. Additional Requirements**

- a. The following minimum plant sizes are required. (Proposed use of large, mature size trees will be reviewed with favorable consideration.)
  - 1) Standard deciduous trees — minimum 1½" caliper.
  - 2) Small ornamental and flowering trees — minimum 1½" caliper.
  - 3) Evergreen trees — 5 feet to 6 feet height.
  - 4) Shrubs — 5 gallon container.
  - 5) Perennials ---- 1 gallon container.
- b. Landscape improvements must be fully executed, inspected and approved prior to the release of a Certificate of Occupancy. However, a bond may be posted for the total cost of materials and installation in order to obtain a Certificate of Occupancy.
- c. Any plant material which fails to grow during the first two growing seasons must be replaced with like material at the owner's expense.
- d. For industrial developments: one (1) tree shall be required for every five-hundred (500) square feet of required landscape area and a minimum of thirty percent (30%) of the landscape area shall be planted with living material. For residential developments a minimum of thirty percent (30%) of landscaped area shall be planted with living material. For new commercial developments, please refer to the Commercial Design Standards for landscaping requirements.
- e. Developers or builders shall be required to obtain the approval of the Planning Division prior to removing any existing trees.

## **F. MOVING**

### **1. Minimum Standards for Moving Buildings or Structures**

No building or structure shall be moved into, moved within, or moved out of any area of the City of Brighton or transported upon any public right-of-way within the City of Brighton until a moving permit shall have first been obtained; and if the move is into or within the City of Brighton, such move shall not be made until a building permit is obtained from the City of Brighton. Such permits shall be issued in accordance with the applicable ordinance of the City.

## **G. OIL AND GAS WELLS**

1. **Purpose.** This ordinance is intended to preserve, protect and enhance the public health, safety and welfare by reasonably regulating oil and gas development within the City of Brighton or in close proximity to City limits, in a manner consistent with the comprehensive State regulations administered by the Colorado Oil & Gas Conservation Commission (“COGCC”). This ordinance is designed to provide for the submission to the City of detailed information regarding the proposed oil and gas development; to provide for meaningful consultation and good faith cooperation between and among the City, the Public, the COGCC, and operators of such wells and equipment; and to establish reasonable procedures and guidelines for such development.
2. **Local Regulation.** The drilling and operation of oil and gas wells, and the development of oil and gas sites by oil and gas operators within the City, shall be a use-by-right in industrial, mineral extraction and flood control zone districts. In all zone districts, such development shall be conducted in all respects in accordance with COGCC regulations, as amended, this ordinance, and the *Brighton Municipal Code*. As used herein, “operator” means a person or entity, or an association of persons or entities, including corporations, partnerships, limited liability companies, or other entity(ies) that operates or participates in the operation of oil or gas wells and sites located within or in close proximity to the City of Brighton, together with their contractors, employees, agents and assigns.
3. **Building Permit Required.** In addition to acquiring all necessary State permits and approvals for development, an operator shall first obtain a Building Permit from the Building Department prior to undertaking construction or installation of any new well, or improvement or modification of any existing well site, within or in close proximity to the City of Brighton. The terms and provisions of the Building Permit shall govern all construction activity associated with developing or improving the proposed site, including but not limited to site preparation, grading, construction or erection of drilling rig(s), derricks, well equipment, tank batteries, production rig(s), storage tanks, well pumps, separators, storage ponds, or other structures or facilities necessary to the safe and proper development and operation of such site. All applicable standards in the COGCC regulations, this ordinance, and the *Brighton Municipal Code*, including applicable Building and Fire Code regulations, shall apply with regard to such site activity. If, in furtherance of developing a proposed site, an operator desires to move or haul heavy equipment in or through the City upon public roads, a separate permit therefore shall first be obtained by the operator from the Streets and Fleet Department, designating the route to be taken and the equipment to be moved or utilized. The Streets and Fleet Director has the authority to require the operator to post a bond or letter of credit in an amount reasonably sufficient to guarantee repair of any damage that may be caused to public roads, bridges or other public facilities by such moving or hauling activity.
4. **Maintenance of Equipment and Access Roads.** In connection with improving or developing any site, operators shall also properly improve and reasonably maintain in good condition all access roads leading to and from such site, in a manner sufficient to allow reasonable access and safe and unobstructed passage by emergency vehicles, including fire



*Oil and Gas Wells - continued*

trucks, in the event of an emergency.

5. **Fire and Emergency Response Plan Required.** In connection with obtaining a Building Permit, operators shall prepare and file with the City and all applicable public safety, fire, and emergency response districts or agencies, a comprehensive and detailed site-specific Emergency Response Plan setting forth all reasonably foreseeable emergency events that could occur at the site, the particular Emergency Response Plan(s) therefor, including access routes and contingency plans, and setting forth procedures, methods, and parties responsible for successfully implementing the same in the event of an emergency.
6. **Minimum Required Setbacks.** All proposed development of well sites within the **City** or in close proximity to platted lots or established property lines within the City, shall adhere to the COGCC statewide setback requirements or “high density” setback requirements, as applicable. In locating and/or operating well heads or production equipment, operators shall adhere to the following minimum setback requirements in or near “high density” areas of the City:
  - a. No equipment shall be located less than Three Hundred Fifty Feet (**350’**) from any building unit, platted lot or established property line located within City limits;
  - b. No equipment shall be located less than Five Hundred Feet (**500’**) from any educational facility, assembly building, hospital, nursing home, board and care facility, jail or designated outside activity area such as a playground, park, recreation area, outdoor theatre, or other place of public assembly located within City limits;
  - c. In areas other than “high density” areas of the City as defined by COGCC regulations, the minimum setback from any platted lot, established property line, public road, public building, major above ground utility line or railroad is One Hundred Fifty Feet (**150’**).

In instances where the COGCC has officially granted a specific exemption or reduction in the setback requirements, the Community Development Director may grant a similar exemption or reduction in setbacks at his discretion, as long as the public’s health, safety and welfare is not compromised. In no instance shall the Community Development Director grant a reduction in the setback requirements that is greater than that approved by the COGCC.
7. **Development Review Process – Building Permit Issuance.** Oil and gas operators shall in all respects meet the rules, regulations and setback requirements promulgated by COGCC, and shall engage in meaningful on-site consultations with the City prior to commencing site development.
  - a. **Local Government Designee.** The Director of Community Development shall register with the COGCC for receipt of advance notice and copies of all applications for permits to drill or otherwise improve or develop well sites within the City. The Director of Community Development shall consult with City Council prior to the

*Oil and Gas Wells - continued*

City intervening in any COGCC proceeding regarding an application or proposed site within the City or in close proximity to City limits.

- b. **On-Site Consultation Required.** Operators proposing to develop within the City or in close proximity to City limits shall contact the Planning Division to confirm whether the Division has received advance notice and copies of all application(s) for permit(s) to drill or operate within the City. All such operators shall schedule onsite consultation(s) with the Director or his designee, and shall obtain all required State and Local Permits and approvals prior to commencing any operations contemplated hereunder.
- c. **Operator Forms.** All operators of existing or proposed oil or gas wells shall file with the Planning Division current copies of COGCC Form 1 (Registration for Oil & Gas Operations); Form 1A (Designation of Agent); together with the written Emergency Response Plan providing 24-hour emergency contact information and response procedures and providers for spills, fires or other hazardous incidents as provided herein above. The Emergency Response Plan may be referred by the Director to the Development Review Committee (“DRC”) for review, including but not limited to all appropriate fire protection district(s), law enforcement agencies, and Code Enforcement.
- d. **Application Fee.** The filing of all documents required hereunder, together with any supplementary information reasonably required by the Division, including provisions for maintenance of access roads and emergency response, shall constitute an application for permission to develop a well site within the City. No operations shall commence until the application materials have been reviewed and approved by the Division, and a Building Permit has been issued to the operator. Operators shall pay a \$250.00 processing fee to the City for application review and Building Permit issuance.
- e. **Building Permit Issuance.** Upon receipt by the Planning Division of all materials required by this Section, the Director shall cause such information to be reviewed by the Division and the DRC, and shall conduct onsite consultation(s) with the operator. If, in the reasonable judgment of the Director, the proposed development presents no significant land use or public health and safety concerns, the Director shall cause a Building Permit to be issued to the operator within a commercially reasonable time. If, on the other hand, the Director determines that the proposed development presents significant health and safety concerns due to its proximity to residential areas, public facilities, its location within an approved or pending subdivision or planned unit development, or other factors presenting legitimate concerns about public health, safety and welfare, then the operator shall conduct such further onsite consultations as are reasonably requested by the Director, and shall incorporate into its application and proposed operational materials such additional safeguards or onsite improvements, including but not limited to berming,

*Oil and Gas Wells - continued*

fencing, landscaping or other improvements, such as are reasonably necessary to appropriately address, mitigate, or eliminate such health and safety concerns.

- f. **Remedies.** In the event that the operator and City are unable to successfully resolve particular site development issues, setbacks, or health and safety concerns, then the City may avail itself of any remedy provided by Colorado law, including but not limited to all remedies available under COGCC rules and regulations.

## **H. OPEN SPACE AND PARKS REQUIREMENTS**

### **1. Land Dedication Standards for Local Parks and Open Space**

- a. Public park land and open space shall be dedicated to the City at a rate of three (3) acres per 1,000 population for local neighborhood parks and open space exclusive of school sites. Computation for park land and open space as required shall be as follows:

Total dwelling units proposed (or lots for single-family housing units) within the development times 2.96 persons per household.

**Example** — 670 dwelling units X 2.96 = 1,998 persons  
3 acres X 1.998 = **5.994 acres** of park land/open space.

- b. Public park land and open space to be dedicated to the City to meet the park and open space requirement for the development shall be located so as to provide a focus for the residential development. When possible, local parks should adjoin school property and/or neighborhood commercial centers.
- c. All park and open space to be dedicated to the City shall be free of natural hazards (i.e. flood plains, steep slopes, water bodies) and man-made facilities (i.e. detention or retention basins, gas wells, etc.) which inhibit the optimum development and utilization of the park and open space land for park and open space use.
- d. All park land and open space to be dedicated to the City shall contain minimum improvements to include, but not be limited to, curb and gutter where the park abuts a street, storm drainage, and sewer and water service to the property.

### **2. Land Dedication Standards for Community Parks and Open Space**

- a. Public parks and open space shall be dedicated at a rate of three (3) acres per 1,000 population for community parks, exclusive of school sites. Computation of the park and open space requirements shall utilize the same method as defined in Section 1a above.
- b. Public park land and open space to be dedicated to the City to meet the community park requirement for the development shall be located so as to provide a focus for the City and its residential neighborhoods.
- c. When a development is proposed in the vicinity of the general location of a proposed community park, the Director of Parks and Recreation shall make a determination as to the precise location and configuration of the community park. Adjoining developments shall be required to provide an area for community park purposes based upon the formula as specified in paragraph 2a above. Should the size of the community park located within the development exceed the dedication

***OPEN SPACE AND PARK REQUIREMENTS - continued***

requirements for community parks for the development, the developer shall be required to reserve the remaining land for City acquisition based upon the fair market value of the unimproved land as zoned for urban development at the time of submission of the first subdivision plat.

- d. When the development project is not located within the vicinity of a planned or existing community park, the City may require the developer to pay a fee-in-lieu of land dedication or accept off-site land dedication. Whether the developer is required to dedicate land or pay the fee in lieu of land dedication, or whether the City will accept off-site land dedication shall be at the sole discretion of the City, taking into consideration the best interests of the City. The fee in lieu of land dedication shall be determined according to a land dedication rate of three (3) acres per 1,000 population, based upon the fair market value of the unimproved land in the development as zoned for urban development. The fair market value of the land shall be established by an appraisal commissioned by the City at the developer's expense. The dedication of community park land, or the payment of the fee-in-lieu of land dedication, or the acceptance of off-site land dedication shall be satisfied prior to approval of any final plat for all or any portion of the development.
  - e. All fees collected for the purposes of community park land acquisition, shall be placed in a community park development fund to be utilized for the acquisition of land for community park purposes.
  - f. For purposes of the development of local and community parks and open space, each project shall be required to pay a park development fee based upon the number of units (or lots) proposed within the development. The amount of the park development fee shall be established by resolution of the City Council of the City of Brighton based upon the site development cost to the City to improve local and community park land on an acre basis, and shall be due and payable at the time of Issuance of Building Permits.
3. **Commercial and Industrial Park Development Fees.** To provide recreational opportunities for those employed within Brighton, the City Council may request all commercial and industrial projects to pay a park development fee up to twenty percent (20%) of the fair market value of the unimproved land as zoned contained within the project site. Said fee shall be used for community park improvements which benefit said development.
4. **Private Open Space Required**
- a. Whenever the residential density of a development project meets or exceeds eight (8) dwelling units per gross acre, the developer shall be required to provide twenty-five percent (25%) of the development site in common outdoor recreation and open space. In meeting this requirement, the developer may not include in the calculation any area within a required setback, or surface parking area.

***OPEN SPACE AND PARK REQUIREMENTS - continued***

- b. In providing for private common outdoor recreation and open space within a project, the developer may increase the net density of his project based upon the total number of units which could have been built on the site prior to the provision of private common recreation and open space.
  - c. In no instance shall the provision of private outdoor recreation and open space as required by this section be construed as meeting the developer's requirement for public parks and open space.
- 5. **Exemptions for Park Land Dedication.** All infill development currently serviced by existing local parks and lying within the infill development boundary line shall be exempt from the park land dedication requirement. However, all infill development shall be required to pay the park development fee established by Council. Exemptions do not include land required as part of an open space dedication or private open space dedication.

## **I. PARKING**

1. **Purpose.** The intent of this section is to provide adequate off-street parking for all uses and to prevent undue congestion and interference with the traffic carrying capacity of city streets.
2. **Duty to Provide and Maintain Off-Street Parking.**
  - a. For land, structures or uses actually used, occupied or operated on or before the effective date of Ordinance #1964, there shall be provided such off-street parking space as was required for such land, structures or uses by any previous ordinance, or development plan approval, except that if any previous ordinance or approval required more off-street parking for land, structures or uses than is required under this Ordinance, then there need be provided only such off street parking as is required in this Ordinance. If such land, structures or uses are enlarged, extended, or changed, all parking areas and requirements shall be in accordance with the requirements of the development standards set forth in Title 17, *Land Use and Development Code*, of the Brighton Municipal Code, as may be amended.
  - b. For all uses established or placed into operation after the effective date of this Ordinance there shall be provided at least the amount of off-street parking hereinafter set forth.
3. **Off-Street Parking Requirements.**
  - a. The parking area must be provided on the same property as the principal building in use, except that in multiple family developments parking may be within two-hundred (200) feet of the principal use and for commercial or industrial developments the parking area may be within six-hundred (600) feet of a public entrance to the principal use, provided in either case the zoning for the parking area is the same as the principal use or a more intensive classification.
  - b. The minimum number of required off-street parking spaces to be provided for a use is listed in the following table. All parking ratios are based upon the Gross Floor Area (GFA) contained within a building, unless otherwise indicated. When the computation of the required off-street parking spaces results in a fraction, the requirement shall be rounded to the nearest whole interval. Fractions of 0.5 or less shall be rounded to the next lowest whole number. Fractions greater than 0.5 shall be rounded to the next highest whole number. The required off-street parking spaces for a use which is not specifically listed, shall be determined by the Community Development Director based upon the requirements of other listed similar uses.

***PARKING - continued***

<b>MINIMUM REQUIRED OFF-STREET PARKING SPACES</b>		
<b>USE CATEGORIES</b>	<b>SPECIFIC USES</b>	<b>RATIO</b>
<b>RESIDENTIAL</b>		
Dwelling		
	Accessory Dwelling Unit	1 space per dwelling unit
	Manufactured Home	2 spaces per dwelling unit
	Mobile Home	2 spaces per mobile home space
	Multiple	See Single-Family Attached
	Single-Family Attached	Studio or efficiency: 1 space per dwelling unit
		1 bedroom: 1.5 spaces per dwelling unit
		2 bedrooms: 2.0 spaces per dwelling unit
		3 + bedrooms: 2.5 spaces per dwelling unit
		Elderly (60 years old or over): 1 space per dwelling unit
	Single-Family Detached	2 spaces per dwelling unit
Group Living		
	Emergency Shelter	1 space plus 1 per 8 beds
	Group Home	1 space per bed
	Residence, Protective	2 spaces per dwelling unit
	Residence, Rehabilitation	2 spaces per dwelling unit
	Senior Living Facility, Assisted or Nursing	1 space per 4 beds, plus 1 space per employee
	Senior Living Facility, Independent	1 space per one bedroom or efficiency unit, 1.5 spaces per two or larger bedroom units, plus 1 space per 5 units for guest parking, plus 1 space per employee
<b>COMMERCIAL</b>		
Lodging		
	Bed and Breakfast	1 space per guest room, plus 1 space for operator or owner
	Boarding or Rooming House	0.5 spaces per bed
	Hotel and Motel	1 space per guestroom plus 0.5 spaces per 100 square feet of restaurant, plus 0.5 spaces per 4



***PARKING - continued***

		seats of meeting space
Office		
	Clinic, Medical and Dental	1 space per 200 square feet of GFA
	Professional and Administrative	1 space per 250 square feet of GFA
Pet Services		
	Daycare, Groomer, Pet Shop	1 space per 200 square feet of GFA
	Kennel	1 space per 400 square feet of GFA
	Veterinary Clinic	1 space per 200 square feet of GFA
Recreation and Entertainment		
	Amusement Facility	30 spaces per acre
	Automobile and Animal Race Track	1 space per 4 seats
	Bowling Alley	4 spaces per lane
	Campground or RV Campground	1 space per campsite or per recreational vehicle space
	Convention Center	1 space per 4 seats
	Golf Course	4 spaces per hole
	Golf Driving Range	1 space per tee
	Gun and Archery Range	1 space per lane
	Health and Fitness Center	1 space per 100 square feet of GFA
	Hunting and Fishing Preserve	1 space per acre
	Nightclub and Dance Hall	1 space per 100 square feet of GFA
	Recreation Facility, Outdoor	1 space per 500 square feet of total lot area
	Recreation Facility, Indoor	1 space per 100 square feet of GFA
	Riding Stable	1 space per 5 stalls
	Studio (Dance, Gymnastics, Fine Arts, Arts and Crafts and Martial Arts)	1 space per 300 square feet of GFA
	Theater, Drive-in, Movie (outdoor)	1 space per speaker outlet
	Theater, Movie	1 space per 4 seats
Restaurant		
	Coffee Shop or Delicatessen	1 space per 150 square feet of GFA
	Restaurant	1 space per 100 square feet of GFA
	Restaurant, Drive-in or Drive-through	1 space per 100 square feet of GFA
	Restaurant, Take-out or Delivery	1 space per 200 square feet of GFA
	Tavern, Cocktail Lounge, or Bar	1 space per 100 square feet of GFA
Retail		
	Alcohol or Tobacco Sales	1 space per 300 square feet of GFA
	Auction House or Yard	1 space per 500 square feet of GFA or lot area

***PARKING - continued***

	Auto Accessory and Supply	1 space per 300 square feet of GFA
	Convenience Store (not including a gasoline station)	1 space per 200 square feet of GFA
	Flea Market	1.5 spaces per seller space
	Grocery Store	1 space per 200 square feet of GFA
	Heavy Machinery and Industrial Sales	1 space per 400 square feet of GFA plus adequate space for vehicle storage and display
	Home and Garden Hardware and Supply	1 space per 300 square feet of GFA
	Landscaping Materials Supply	1 space per 500 square feet of GFA plus adequate space for storage and display
	Pawnshop or Secondhand Store	1 space per 300 square feet of GFA
	Retail Store	1 space per 300 square feet of GFA
Services		
	Bail Bonds Business	1 space per 400 square feet of GFA
	Bank, Finance and Loan Company (without drive-through window)	1 space per 200 square feet of GFA
	Bank, Finance and Loan Company (with drive-through window)	1 space per 200 square feet of GFA, plus 3 stacking spaces per window
	Check Cashing Business	1 space per 200 square feet of GFA
	Funeral Home, Parlor	1 space per 3 seats
	Home and Business Services (dispatched)	1 space per 400 square feet of GFA plus adequate space for vehicle storage
	Dry Cleaning Facility	1 space per 200 square feet of GFA
	Laundry, Self-Service	1 space per 200 square feet of GFA
	Personal Services	1 space per 200 square feet of GFA
	Print Shop	1 space per 300 square feet of GFA
	Repair Shop (not including vehicles)	1 space per 400 square feet of GFA
Shopping Center		
	Shopping Center, Community	1 space per 300 square feet of GFA
	Shopping Center, Neighborhood	1 space per 250 square feet of GFA
	Shopping Center, Regional	1 space per 300 square feet of GFA
Vehicle Sales and Services		
	Carwash	1 space per bay or stall, plus 1 space per vacuum station
	Gasoline Station (includes those with convenience stores)	1 space per 200 square feet of GFA plus sufficient area to accommodate

***PARKING - continued***

		vehicles at pumps without interfering with other parking spaces
	Gasoline Station (with carwash)	1 space per 200 square feet of GFA and 1 space per bay or stall, plus sufficient area to accommodate vehicles at pumps without interfering with other parking spaces
	Gasoline Station (with service station)	1 space per 200 square feet of GFA, plus sufficient area to accommodate vehicles at pumps without interfering with other parking spaces and adequate space for vehicle storage
	Repair, Motor Vehicle, Major or Minor	1 space per 200 square feet of GFA plus adequate space for vehicle storage
	Sales and Rental, Automobile, Large Vehicle, Motor Cycle	1 space per 400 square feet of office space plus adequate space for vehicle storage and display
	Sales and Rental, Mobile Home	1 space per 400 square feet of office space plus adequate space for mobile home storage and display
Other Commercial		
	Laboratory for Research and Testing (not including animals or hazardous materials)	1 space for 400 square feet of GFA
	Sexually Oriented Business	1 space per 300 square feet of GFA
<b>INDUSTRIAL</b>		
Food Production and Processing		
	Meat Processing, Packing and Slaughter	1 space per 750 square feet of GFA
	Processing, Bottling and Distribution	1 space per 750 square feet of GFA
Gas, Oil and Petroleum		
	Production, Processing, and Manufacture Bottling and Distribution	1 space per 750 square feet of GFA
Manufacturing and Fabrication		
	Manufacturing, Heavy	1 space per 750 square feet of GFA
	Manufacturing, Light	1 space per 500 square feet of GFA
Resource Extraction, Production, Storage and		

***PARKING - continued***

Distribution		
	Asphalt or Concrete Mixing Plant	1 space per 750 square feet of GFA
	Lumber Mill or Yard	1 space per 750 square feet of GFA
	Mineral Extraction	1 space per 400 square feet of GFA
Wholesaling, Storage and Warehousing		
	Mini-Storage, Outdoor Storage or RV and Large Vehicle Storage	1 space for each employee on a shift and not less than 1 space per 5,000 square feet of office and storage area
	Warehousing and Wholesaling	1 space per 1,000 square feet of GFA
Other Industrial		
	Crematorium	1 space per 400 square feet of GFA (based on office space only)
	Laboratory for Research and Testing (including animals or hazardous materials)	1 space for 400 square feet of GFA
	Dry Cleaning Plant	1 space per 750 square feet of GFA
	Machine or Sheet Metal Shop	1 space per 750 square feet of GFA
	Repair, Heavy Equipment	1 space per 750 square feet of GFA
	Salvage, Dismantling or Junk Yard	1 space per 750 square feet of GFA
	Waste-Related Use (not including a junk yard or land fill)	1 space per 1,000 square feet of GFA
<b>PUBLIC, INSTITUTIONAL</b>		
Child Care		
	Child Care Center	1 space per 400 square feet of GFA
	Family Child Care Home, Large	2 spaces for dwelling unit, plus 2 additional spaces
	Family Child Care Home, Small	2 spaces for dwelling unit
Health Care		
	Hospital	2 spaces per bed
	Sanatorium	1.5 spaces per bed
Public and Institutional		
	Cemetery and Columbarium	1 space per employee, plus 1 space per 300 square feet of GFA
	Church or Place of Worship	1 space for every 2 seats
	Library	1 space per 600 square feet of GFA
	Lodge, Fraternal or Social Organization	1 space per 300 square feet of GFA
	Museum	1 space per 1,000 square feet of GFA

***PARKING - continued***

	Police Station or Post Office	1 space per 400 square feet of GFA
School		
	Elementary or Junior/Middle (Public, Private or Parochial)	2 spaces per classroom
	Senior (Public, Private or Parochial)	1 space per 4 students
	University, College, and Junior College	1 space per employee, plus 1 space for each 4 students
	University, College, and Junior College (with fraternities, sororities and/or dormitories)	See above requirement, plus 1 space for each active member or dormitory resident
	Vocational, Trade, Business	1 space per 200 square feet of GFA
Transportation		
	Airport/Heliport and Airstrip/Helipad	Per Development Plan based on projected number of passengers
	Bus Terminals, Commuter and Light Rail Stations	Per Development Plan based on projected number of passengers
<b>AGRICULTURAL</b>		
Agricultural Support Business and Services		
	Animal Confinement Operation	1 space per 400 square feet of GFA (based on office space only)
	Veterinary Clinic, Livestock	1 space per 400 square feet of GFA (based on office space only)
Farming		
	Nursery and Greenhouse, Commercial	1 space per 300 square feet of GFA

4. **Shared Parking.** Developments that are commercial in nature or are located in the Downtown (DT) zone district, may propose to meet a portion of their off-street parking requirements through the use of a Shared Parking Agreement. At the discretion of the Community Development Director, shared parking may be allowed for industrial and multi-family developments.
  - a. **Shared Parking Standards.** The amount of off-street parking spaces for two (2) or more buildings or uses may be reduced upon approval of the Community Development Director provided that:
    - i. The off-street parking facilities are located within six-hundred (600) feet of the buildings or uses proposed to use the parking facilities;
    - ii. The applicant demonstrates through a parking demand study that sufficient

***PARKING - continued***

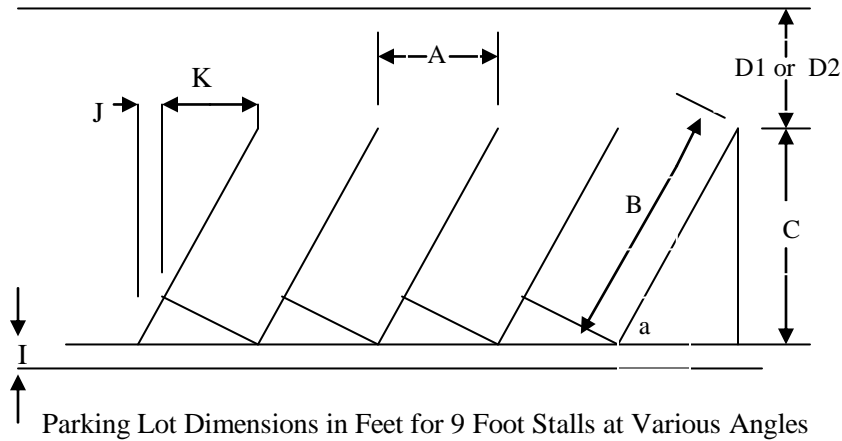
parking is or can be met by the subject uses through the use of shared parking\*;

- iii. The scope of the parking demand study shall consist of an analysis of any or all of the following factors: anticipated peak parking demand for each land use, usual or unusual parking demand based on type of land use, availability of nearby on-street parking, vicinity of transit facilities, and the distance relationship between available shared parking spaces and the specific uses served.

\*This requirement may be waived by the Community Development Director if there is a clear lack of overlap in the peak parking demands between the land uses (e.g., church facility only used on weekends and daycare facility only used during weekdays).

- b. **Shared Parking and Cross Access Agreements.** Where shared parking is provided, a shared parking and cross access agreement between or among the cooperating property owners shall be approved by the Director of the Community Development Department and recorded in the office of the Clerk and Recorder of the county or counties in which the properties are located prior to issuance of a building permit. The agreement shall provide that the parties agree that the agreement is a deed restriction on both of the properties and cannot be modified or revoked without the written consent of the Director. If any requirements for shared parking are violated, the affected property owners must provide a remedy satisfactory to the Director or provide the full amount of required parking for each use, in accord with the requirements of this Subsection V(I), Parking of the *Land Use and Development Code*, as it may be amended, unless a satisfactory alternative remedy is approved by the Director
  - c. **Shared Parking Required.** To promote an overall reduction in parking, the use of shared parking shall be required when the development is under the control of a single owner/developer and contains commercial, retail, office, institutional, or public uses with staggered peak parking demands
5. **On-Street Parking.** The Community Development Director may allow on-street parking spaces located directly adjacent to the subject property or use, to be credited to meet up to ten percent (10%) of the minimum required off-street parking spaces.
6. **Off-Street Parking Areas.**
- a. While the Public Works Standards and Specifications regulate the design of parking spaces that fall within the public right-of-way, the following requirements will have to be met when construction of parking lots or spaces are provided off-street:

**PARKING - continued**



	a(angle)	0 degrees	45 degrees	60 degrees	75 degrees	90 degrees
Stall width Parallel to Aisle	A	24	12.7	10.4	9.3	9
Stall Length of Line	B	24	24.5	21.5	19.5	18
Stall Depth To Wall	C	9	17	18.5	19	18
Min. Aisle Width Between Stall Lines – One Way	D1	12	12	16	20	N/A
Min. Aisle Width Between Stall Lines – Two Way	D2	20	20	24	24	24
Bumper Overhang (Typical)	I	0	1.5	1.8	2	2
Offset	J	N/A	6.3	2.7	0.5	0
Setback	K	N/A	11	8.3	5	0

- b. Access of a minimum width of 12 feet for a single direction and 20 feet for two directions shall be provided to all off-street parking areas.
- c. Parking areas shall be designed such that vehicles may enter and exit the parking area in a forward motion without difficult or unsafe maneuvering.
- d. Where site constraints hinder the ability to meet the above dimensional standards, alternate designs may be approved by the Community Development Director or his designee only after sufficient documentation is produced which demonstrates that the proposed design allows vehicles to appropriately enter and exit the parking area and parking spaces without unsafe or difficult maneuvering. This documentation shall be a turning movement exhibit which utilizes the minimum turning path dimensions from the American Association of State Highway and Transportation Officials (AASHTO) A Policy on Geometric Design of Highways and Streets,

***PARKING - continued***

current edition, for a Passenger Car (P) for parking stalls and the Single-unit Truck (SU) for delivery and loading zones. Where vehicles larger than a small delivery truck are anticipated to access the parking area, a more appropriate design vehicle template may be required at the Director's discretion.

- e. Except for parking areas provided for single-family units, suitable curbs or barricades shall be provided to protect sidewalks, fences, walls and landscaping and to prevent parking in areas where parking is not permitted.
- f. Where unobstructed bumper overhang areas are provided, the dimensions above may be adjusted at the discretion of the City. However, the adjusted total distance from front bumper to front bumper (I+C+D+C+I) for parking spaces opposite the aisle shall not be less than the total of the stall and aisle widths shown above (C+D+C). Such bumper overhangs shall not be permitted to reduce the usable sidewalk width to less than 4-feet.
- g. Accessible parking spaces shall be provided according to the current ADA Standards for Accessible Design.
- h. Off-street parking spaces, if covered, shall be at least seven feet (7') in height for clearance.
- i. All off-street parking spaces and access drives shall be improved with an all weather surface, except for the following:
  - i. Agricultural areas and/or open space areas;
  - ii. Parking or storing of recreational vehicles in residential zone districts; and
  - iii. Parking or storing of passenger vehicles in the rear property areas within a residential zone district.
- j. All off-street parking areas shall be maintained in good condition, free of weeds, dust, trash and debris and major surfacing defects.
- k. No parking area shall be used for the storage, sale, repair, dismantling or servicing of any vehicles, equipment, materials, or supplies.
- l. All off-street parking spaces (excluding single family and/or duplex units) shall be outlined by white or yellow stripes not less than four inches (4") wide, painted on the surface area. All non parking spaces such as loading zones, emergency lanes, drive-thrus, or spaces in front of doorways/entrances, shall be clearly delineated.
- m. All off-street parking spaces shall accommodate fire apparatus and emergency vehicles where required by the City.

- 7. **Lighting.** Parking areas (excluding single family and/or duplex units) shall be provided



***PARKING - continued***

with night lighting for security and safety and adequate visibility for maneuvering to emphasize entrances and exits and hazards. Lighting fixtures and their location shall be designed to direct light away from adjoining residential property and/or public right-of-way.

8. **Signage.** Only signs indicating entrance and exits or designating conditions of use, direction, or identification shall be maintained in required parking areas. All signage shall conform to the Development Standards, Section J. Signs.
9. **Screening.** For each boundary line of a parking area (excluding single family and/or duplex units) abutting directly on a residential lot, behind any required landscaping area, a wall, fence, or screen planting of a year-round nature shall be installed at least forty-two inches (42") high to serve as a barrier for the passage of persons and waste material, to conceal glare from headlights, and to reduce noise, fumes, and pavement heat.
10. **Attendant or Valet Shelters.** Not more than one attendant shelter, conforming to all setback requirements for structures in the zoning district, may be placed within a parking area. Such shelter shall contain not more than seventy-two (72) square feet of gross floor area.
11. **Entrances and Exits, Driveways, Curb Cuts, Curb Returns.** All curb cuts are subject to approval of the Community Development Director or his or her designee, or the State Highway Department for State highways, and are not a use-by-right. Their placement, size, use, signing, striping, signalization, and construction shall conform, at the developer's expense, to the applicable authority's requirements.
  - a. Driveway connections to City right-of-way shall be subject to the dimensional standards as listed in following table:

Use	Minimum Width	Maximum Width	Minimum Distance from Corner	Minimum Distance from Property Line	Minimum Distance Between Drives
Commercial, Industrial and Multi-family	20'	36'	50'	10'	40'
Single-family Attached	10'	24'	30'	5'	30'
Single-family Detached	10'	24' or 36' for 3-car garage	30'	5'	30'

- b. Measurements shall be taken from the nearest edge of driveway and the flowline of intersecting roadway. Where a one-directional drive or shared drive is constructed, dimension requirements may be modified by approval of the Community Development Director or his or her designee.

***PARKING - continued***

- c. Only one driveway per single-family detached and single-family attached property will be permitted. The number of driveways for commercial, industrial and multi-family uses may be restricted depending on the use, location, traffic loading, and safety requirements. New single-family detached and single-family attached driveways shall not be permitted to connect to a collector or arterial roadway.
- d. These requirements may be waived only under special circumstances, and where no other feasible alternative is available. Such waiver shall be at the sole discretion of the Community Development Director or his or her designee and must be approved, in writing, by same.

## **J. SIGNS**

### **1.0 Purpose**

The purpose of this Ordinance is to regulate signs within the City of Brighton. The City recognizes that signs may act as a visual means of communication between the public and businesses and those businesses have an expectation of using signs to identify and advertise themselves. The intent of this Ordinance is to enhance that communication. At the same time, the Ordinance shall protect the rights of the public concerning their health, safety and welfare.

### **2.0 Definitions**

**Abandoned Sign.** A sign, including sign face and supporting structure, which refers to a discontinued business, profession, commodity, lessor, service, owner, product or activity, and/or for which no legal owner can be found; or which contains no sign copy on all sign faces for a continuous period of six months. An abandoned sign is hereby declared to be a public nuisance.

**Accessory/Identification Sign.** A sign which is incidental to the primary use on the same property as the building or use being identified or advertised (for example: home occupation, for rent).

**Animated.** Any sign or part of a sign that changes physical position or light intensity by any movement, rotation, illumination or other means or that gives the visual impression of such movement, rotation, illumination or rotation.

**Awning** A framed structure supported from the exterior wall of a building which can be retracted, folded, collapsed, or remain stationary as a part of the building. Awnings may be lit by means of a light source which is within the awning and is constructed from any, but not limited to, translucent or opaque material.

**Awning Sign.** Any sign painted, printed, attached, or otherwise applied to any facet or support structure of an awning. Awning signs shall be considered as a Projecting Sign and shall not be included as a Wall Sign or a Canopy Sign.

**Banner Sign.** A sign made of fabric or any non-rigid material with no enclosing framework, which is stretched across two or more points and is temporary in nature.

**Billboard.** A sign, allowed only by permit, which directs attention to a business, commodity, service or entertainment conducted, sold, or offered at a location other than the premises on which the sign is located, but does not include bus shelter signs.

**Building Frontage.** The side or sides of the building which contain a primary entrance and/or abuts a street, excluding an alleyway. When the entrance is located at an angle on the corner of the building, one side must be designated as the frontage.\_

*SIGNS - continued*

**Building Site.** A footprint of a principal building.

**Bus Bench Sign.** An approved sign on an RTD bench displaying advertising, which bench is located only at an RTD bus stop in public rights-of-way.

**Bus Shelter Sign.** Any sign on or constructed in association with an RTD bus shelter.

**Canopy.** A structure of rigid or non-rigid material on a framework sheltering an area or forming a sheltered walk to the entrance of a building, which is wholly or partially supported by a building structure and/or columns, braces or poles extending to the ground.

**Canopy Sign.** A sign attached to or integrated into a canopy.

**Changeable Copy Sign.** A sign which displays letters, words, figures, designs, logos, or symbols which can be easily changed or rearranged without altering the sign face or sign structure in any way.

**Clearance.** The distance from the bottom of a sign face elevated above grade and the grade below.

**Construction Sign.** A temporary sign announcing construction, remodeling, or other improvement of a property by a builder, contractor, or other person furnishing services, materials or labor to said premises. A "real estate sign" shall not be considered as a construction sign.

**Detached Sign.** A sign which is self-supporting and structurally independent from any building.

**Development Sign.** A sign erected by the developer or landowner providing information regarding the approved zoning or subdividing of the property as required by the *Land Use and Development Code*, Article 17-8-30, subsection F(7).

**Directional Sign.** An on-premise sign giving directions, instructions or facility information (e.g., parking, entrance and/or exit signs) and which may contain the name or logo of an establishment but no advertising copy. The name and logo may not comprise more than twenty percent (20%) of the total sign area.

**Directory Sign.** A sign which lists the tenants in a building or development which has more than one tenant.

**Electronic Message Sign.** A sign containing a computer generated message or other automated method of changing copy such as a public service time, temperature and date sign, message center or reader board, where different copy changes of a public service or commercial nature are shown on the same lamp bank or message facility.

***SIGNS - continued***

**Flag, Public.** A flag displaying the name, insignia, emblem, seal, or pattern of a nation, state, county, municipality, or non-profit organization.

**Freestanding Sign.** A sign which is supported by one or more poles.

**Grade.** (Adjacent Ground Elevation) The lowest point of elevation of the graded surface of the ground, paving or sidewalk within an area with a twenty foot (20') radius measured from the base of the sign, in all directions.

**Hazard.** Whenever any portion, support structure, or appurtenance of a sign is likely to fail, or to become detached or dislodged, or collapse.

**Height, Sign.** The vertical distance measured from the curb elevation adjacent to the sign to the highest point of said sign or sign structures.

**Holiday Decorations.** Temporary decorations or displays that are commonly associated with a national, local, religious or other (popular) holiday.

**Illuminated Sign.** A sign lighted by or exposed to artificial lighting either by lights on or in the sign or directed toward the sign.

**Individual Letter Sign.** A sign consisting of independent letters, script, or symbols.

**Lot.** A parcel of real property as shown with a separate and distinct number or letter on a plat recorded in the Adams County Clerk's office, or when so platted in a recorded subdivision, a parcel of real property abutting upon at least one public street and held under separate ownership, occupied, or intended to be occupied, by a building or used together with such other requirements as are mandatory under this Ordinance.

**Marquee.** A permanently-roofed structure attached to and supported by a building, which may extend over public right-of-way.

**Marquee Sign.** Any sign painted, printed, attached or otherwise applied to any facet or support structure of a marquee.

**Monument Sign.** A Freestanding Sign which is anchored to the ground, having a solid base, and is independent of any structure.

**Non-Conforming Sign.** Any sign that does not conform to one or more applicable provisions of this Code, but which was lawfully erected and maintained, or approved prior to the applicable provision or provisions.

**Nuisance.** A continuous act, condition or use of property which hurts, annoys, inconvenience, or damages the public with respect to its health, safety, comfort or welfare, or where the effects of which are unreasonably harmful or annoying to persons of normal

***SIGNS - continued***

sensibility.

**Off-premises Commercial Sign.** A permanent ground sign intended to display the tenants of and to direct vehicular traffic through large-scale commercial development.

**Off-premises Sign.** Any sign, allowed by permit, that relates to products, services or uses sold or offered at a location other than the exact premises on which the sign is located, but within the same commercial development..

**Pennant.** A triangular, square, or rectangular shaped flag attached in a string type manner. Pennants are in plain colors and do not contain any words, logos or emblems.

**Political Sign.** A sign which is temporary in nature and does not commercially advertise and which references a local, state, or national election, referendum or initiative.

**Portable Sign.** A sign that is not permanently affixed to a building, structure, or ground.

**Projecting Sign.** A sign that is wholly or partly dependent upon a building for support and which projects more than eighteen-inches (18") from such building.

**Public Sign.** Any sign erected by any governmental entity in conjunction with the conduct of any governmental program, operation or activity, including, but not limited to, federal, state, county and city governments, and school districts.

**Real Estate Sign.** A sign advertising the availability for sale, rent, or lease of, real property, whether a specific parcel, building, or portion of a building.

**Sign.** A visual means of communication, consisting of a lettered board or other surface, displayed to identify a place or a place of business, and which may be identified by its association with a use, logo, shape and/or a name.

**Sign Area.** The total area of the faces of all permanent exterior signs visible from a public way, the area of permanent signs placed upon the surface of windows and doors, and the area within the outline enclosing the lettering, modeling or insignia of signs integral with the wall and not designed as a panel.

**Street Frontage.** The property line which abuts a public right-of-way.

**Subdivision Sign.** A sign which identifies a specific platted residential development.

**Subdivision Directional Sign.** A sign that is temporary in nature and allowed only by permit, which directs the public to new subdivisions which are under construction and does not include off-premises signs, real estate signs, special event signs, or other definitions.

**Temporary Sign.** A sign allowed only by permit, which meets all requirements of this Ordinance which includes, but is not limited to, a banner, pennant, A-frame, poster, or hot

## ***SIGNS - continued***

air or helium balloon that is designed and intended to be displayed by a business for a limited time.

**Vehicle Sign.** A sign that is printed, painted upon, or attached to motor vehicles, including semi truck trailers, used primarily for the delivery of products, passengers, or services, or for business purposes other than as a sign.

**Vision Triangle.** A triangular shaped portion of land established at street intersections in which nothing is erected, placed, planted or allowed to grow in such a manner as to limit or obstruct the sight distance of motorists entering or leaving the intersection.

**Wall Sign.** A sign incorporated into, painted on, attached to, or erected against the facade of a building, and which does not extend more than 18" from the wall.

**Window.** An opening for letting in light or air or for looking through, usually having a pane or panes of glass, etc. Spandrel glass that appears to be a window shall not be considered as such.

**Window Sign.** A sign painted on, attached to, or placed within four (4) feet of a window(s) that may be either temporary or permanent in nature.

### **3.0 General Regulations for Signs**

- a. All signs shall be constructed pursuant to and in compliance with the provisions set forth herein.
- b. One federal and/or state flag per building site is allowed. Such flag(s), when fully extended, shall not encroach on the public right-of-way. Corporate banners or flags will be allowed, but shall be counted as part of the allowable square footage for signs.
- c. No sign shall be erected, moved, or changed in composition, size, color, or printing, excluding normal maintenance of the existing sign, without first obtaining a building and/or sign permit from the Building Department, unless excepted as herein provided.
- d. All signs, pennants, and awnings, or any part of a sign, pennant, or awning which is broken or damaged, or which is lacking in maintenance such as to present a hazard or potential hazard, including any required landscaping, shall be repaired or removed within sixty (60) days of written notice. The Director of Community Development or his authorized representative may grant extensions of this time period of up to two-month increments, upon a showing by the sign owner that a good faith effort is being made to repair or remove the sign and/or any part of the sign, and a good faith showing that the sign does not or with not endanger public safety during the extension period.

## ***SIGNS - continued***

- e. Sign regulations herein shall not apply to official, federal, state, county, or city signs which are erected and intended for public information, direction, safety, and control purposes.
- f. The provisions of this Ordinance shall not be construed as prohibiting the installation of holiday decorations in any zone district within Brighton. All holiday decorations shall conform to all health, safety, fire, and building regulations and may be displayed from November 1st through January 15th.
- g. No sign shall be erected in public right-of-way unless otherwise permitted herein.

### **3.1 Licensing/Fees**

- a. All applications for permits and/or licenses shall be accompanied by the appropriate fee as adopted and required by the City of Brighton.
- b. All professional installations of signs shall require a contractor's license from the City of Brighton prior to any installation.
- c. All electrical work for the construction and/or operation of a sign shall be performed in accordance with the National Electrical Code and shall be subject to inspection by the City for compliance therewith.

## **4.0 Regulations for Temporary Signs**

**4.01 Temporary Signs** shall be regulated under a temporary permit and shall be permitted. Each permitted Temporary Sign may be displayed for no more than sixty (60) days in any ninety (90) day period, and for a total period of no more than 180 days per year per address. They shall be in aggregate, a total maximum size of 100 square feet and shall be limited to one (1) per street frontage, not to exceed two (2) signs.

**4.02 Grand Opening Signs** shall be permitted for new businesses and regulated under a temporary permit. Such signs shall be allowed for a one time period of no more than forty-five (45) days per address, per year.

**4.03 Hot Air Balloons or Similar Floating Devices** shall be regulated under a temporary permit and shall be allowed for a period of no more than fourteen (14) days per year, and shall not be displayed for more than seven (7) days at one time. There are no size or height limitations for these signs, provided they do not endanger the health, safety or welfare of the public.

**4.04 Bus Signs** are allowed only upon execution of an approved written contract with the City and shall be permitted under a temporary use permit. Bus signs do not include Bench Signs.

**4.05 Subdivision Directional Signs** shall have a minimum spacing of one mile, except at



## ***SIGNS - continued***

change of direction (corners), in which case a sign may be allowed at each point in change of direction. It shall be the responsibility of the sign erector to obtain approval from property owners for placement of these signs.

**4.06 A-Frame Signs** shall not exceed one (1) per property, shall be a maximum of six (6) square feet of sign area per sign face, shall not be located in public right-of-way (unless located in the Downtown Zone District) or in a vision triangle, and shall be a maximum of three feet (3') in height.

**4.07 Temporary Off-Premises Signs:** A permit for Temporary Off-Premises Signs requires the approval of the Director of Community Development. The permit for a Temporary Off-Premises Sign(s) shall state the approved duration thereof, which period shall not exceed one (1) year. The Temporary Off-Premises signs shall be limited to the promotion of development projects which have received a certificate of occupancy within 12 months of the application therefor, and shall not be deemed appropriate for individual businesses. The permit may be issued upon a finding that (i) the signage placed within the development / subdivision project cannot be reasonably viewed from a major thoroughfare, (ii) the signage will not impede or otherwise interfere with the health, safety or welfare of vehicular or pedestrian traffic; and (iii) erection of the signage is in the best interests of the City. No more than two (2) Temporary Off-Premises Signs may be placed at a major intersection located at a distance no greater than ½ mile from the referenced location. Such signs, in aggregate, shall not exceed one-hundred (100) square feet in area, and must be placed in compliance with Table I of the freestanding and monument sign requirements of section 12.05. No more than 1 (per 200 ft. of street frontage) Temporary Off-Premises Signs shall be permitted at the same intersection corner. It shall be the responsibility of the sign erector to obtain approval from property owners for the posting of said signs.

## **5.0 Prohibited Signs**

The following signs shall not be constructed or erected or permitted in the City of Brighton:

**5.01** Signs that appear to or are designed to move, rotate, revolve, spin, swing, wave, or make any other motion whatsoever that are larger than two (2) square feet total per face. (Excluding, Special Event Signs or Pennants (as permitted under this sign code) Temporary Signs, Time Temperature Date Signs, and Traditional Barber Poles.)

**5.02** Signs that have a fountain, chaser, or strobe.

**5.03** Signs that use any sound or noise-making device, or other audience instrumentality for the purpose of advertising beyond the immediate confines of the business.

**5.04** No sign greater than thirty (30) inches in height may be permitted to locate within the vision triangle, as defined and regulated in Ordinance 905, Section C, entitled "Fences", as amended. Signs shall not be erected so as to, interfere, visually or otherwise, with the

## ***SIGNS - continued***

operation or effectiveness of any traffic control sign, signal, and/or pedestrian thoroughfare.

**5.05** Portable or moveable advertising signs or devices of any kind are not permitted. (Except as otherwise provided by the Temporary Sign permitting provisions of this Code.)

**5.06** No sign which is attached to a building or a structure shall be erected upon or extend above the roof or parapet of the building or structure.

**5.07** Any sign or pennant that is damaged, tattered, torn, broken, or is so lacking in maintenance that it becomes a nuisance, hazard, or danger.

**5.08** Strings of light bulbs with a bulb greater than one-quarter (1/4) inch used in connection with commercial premises for commercial purposes. (Excluding traditional holiday decorations as provided herein.)

**5.09** Signs that are animated with lights or illuminations which flash, move, rotate, scintillate, blink, flicker, vary in intensity, vary in color, or use intermittent electrical pulsation.

**5.10** Any sign that obstructs any window, door, fire escape, stairway, ladder, or openings intended to provide light, air, ingress, or egress for any building, as required by law.

**5.11** Abandoned signs as defined in Section 2.0 above. Any such sign abandoned for a period of ninety (90) days or longer shall be considered an illegal sign. This provision shall not apply to permanent signs accessory to businesses which are open only on a seasonal basis, provided there is clear intent to continue operation of the business.

**5.12** Signs that include colors or accents considered by the Community Development Director to be bold, brash, intense, fluorescent, or metallic shall not be used, unless approved in writing by the Community Development Director for specific and limited uses.

**5.13** Signs attached to fences or retaining walls that are permanent in nature, except for signs that protect the public's health, safety and welfare. Signage denoting the name and phone number of the company that erected the fence are allowed as long as they are less than one (1) square foot in size and are limited to one (1) per property.

## **6.0 Signs Permitted in All Zone Districts Without a Permit**

The following signs may be erected and maintained in all zone districts without a permit:

**6.01 Accessory/Identification Sign** - one sign per building, not to be illuminated, and not to exceed two square feet in size total surface area.

**6.02 Construction Sign** - one sign per development per permit or street frontage, during construction or major modification, not to exceed thirty-two (32) square feet, maximum

***SIGNS - continued***

eight feet (8') in height, minimum ten feet (10') from any property line and non-illuminated. Such signs shall be removed within thirty (30) days after issuance of the final Certificate of Occupancy or final completion of construction, whichever occurs first.

**6.03 Directional Signs** - shall not exceed two square feet and shall not be placed so as to interfere with vision.

**6.04 Garage and Yard Sale Signs** - shall be limited to three days prior to sale and shall be removed the day following the sale. No such sign shall be posted on any public right-of-way.

**6.05 Holiday Decorations** - temporary decorations or displays that may be of any type, number, area, height, location, illumination, or animation as long as they do not advertise or identify a product or a business and are located so as not to conflict with, interfere with, or visually distract from traffic regulatory devices.

**6.06 Political Signs** - shall be allowed for a period of ninety (90) days prior to and ten (10) days following a national, state, county, or local governmental election. No single sign shall exceed thirty-two (32) square feet of area on any one face, and the aggregate area of all political signs on one lot area shall not exceed fifty (50) square feet. Political signs not removed after ten (10) days following such election shall be in violation of this ordinance.

No political sign(s) shall be erected or placed on public streets, parks, alleys, or other public areas.

**6.07 Real Estate Signs** - temporary, non-illuminated signs that are located on properties to be sold or leased. Signs, on the same property, are limited to one sign per street frontage, must meet visibility requirements, and shall not be placed within two hundred and fifty (250) feet of each other unless they are on separate properties or on different street frontages. In residential and PUD zone districts, signs shall not exceed five (5) square feet per face in total area and not exceed four (4) feet in height. In commercial and industrial zone districts, signs shall not exceed twenty (20) square feet per face in total area and not exceed six (6) feet in height. Such signs shall not remain in place more than seven (7) days following the sale or rental of the subject property.

**6.08 Window Signs** - that are painted on, attached to, or placed within four feet (4') of a window(s) shall not be regulated by permit as long as they do not extend beyond the first story of the building on/in which they are located and are not animated, do not block any openings required for entrance or exit from the building, as further set forth in section 5.10, and do not cover over twenty-five percent (25%) of the total window area for the entire wall of the business. A waiver for window signage may be granted by the Director for exceptional circumstances such as works of art and high quality display of product and graphics that fit within the aesthetic context of the environment and add value to the visual character of the building.

**6.09 Official governmental traffic control sign devices or signs required by law.**

***SIGNS - continued***

**6.10 Official governmental informational sign devices and temporary public notices.**

**6.11 Vehicle signs shall be permitted if they:**

- a. Contain no flashing or moving elements; and
- b. Do not project beyond the surface of the vehicle on which they are attached a distance in excess of six inches. The purpose of vehicular signs is to allow the identification of a business on a vehicle used in the conduct of that business to transport persons or products or the delivery of services in connection with such businesses. It shall be unlawful to place or store a vehicle with a sign on it in such manner as to increase the permitted sign area or number of signs either on-site or off-site for a business as provided in this article.

**6.12 Public Flag.** For any single lot, up to three (3) poles for flags, pennants or insignias may be erected in any zone district in accordance with the maximum height requirement for such zone district. Poles must be placed outside of sight triangles and must be set back at a minimum of three feet (3') from any property line.

**7.0 Signs Permitted in All Residential Zone Districts**

**7.01** One accessory/identification sign excluding numerals or words used to identify address.

**7.02** Five (5) square feet per face of a real estate sign per unit/property to be sold, rented, or leased.

**7.03** Each church, school or other public or semi-public use shall be allowed one bulletin board. Such sign shall not exceed ten (10) square feet per face and shall not exceed eight feet (8') in height.

**7.04** One directional sign, as allowed by definition set forth herein.

**7.05** One construction sign, as allowed by definition set forth herein.

**7.06** In R-E zones only, one pole or freestanding identification sign is permitted. Such sign shall not exceed ten (10) square feet, shall not exceed fifteen feet (15') in height, with a minimum of eight feet (8') clearance at the bottom of the sign, measured from adjacent ground elevation, and shall be a minimum of ten feet (10') from any property line.

**7.07** One subdivision sign per subdivision's main entrance. A main entrance shall be defined as the ingress/egress point off a collector street, a minor arterial or a major arterial as established by the Transportation Master Plan. A sign may not exceed eight feet (8') in height, thirty two (32) square feet per face, and must be set back ten feet (10') from any

***SIGNS - continued***

property line.

**8.0 Signs Permitted in All Commercial Zone Districts and Industrial Zone Districts**

Signs not to exceed total permitted sign area by street frontage or building frontage. (*See Sign Calculations — Section 12.0. — Types of signs permitted, to be calculated as part of total allowable signs.*)

**8.01 One ground mount/monument or pole/freestanding sign** per street frontage. Maximum of two per site if 500 feet apart as measured in a straight line.

**8.02 Projecting signs, Awning signs and Marquee signs** shall be limited in the Downtown Zone District to a projection distance of four feet (4') but in no event shall such signs project beyond the curb line. In all other commercial and industrial zone districts projecting signs shall be limited to a projection of six feet six inches (6'6") from the building wall, marquee, or any architectural appendages on which it is attached. The sign face of projecting sign shall project at an approximate angle of 90 degrees. No point on any such sign shall project above the roof structure of the building and/or architectural appendage on which it is attached. Such signs shall have a clearance as set forth in the applicable building code, in effect at the time of sign permit application. All proposed projection signs shall submit a detailed structural analysis to ensure security to the wall of the structure.

**8.03 Wall signs** shall not exceed ten percent (10%) of the building elevation on which the sign is situated. Such signs may not at any point extend above the parapet wall or eve of the structure on which they are attached. In addition, such signs may only be mounted on the side of the structure which has frontage on a public right-of-way, public street, or provides public access to the building. A neon band that does not convey information is not considered in the calculation of the wall sign area.

**8.04 Electronic message signs** shall not exceed twenty percent (20%) of the sign face on which it is attached, or incorporated into.

**8.05 Canopy signs** - The area of the canopy sign shall be included in the total sign area allowed for wall signs and may not exceed the total square footage allowed for wall sign per building frontage.

**8.06 Billboards** shall be permitted on undeveloped property with a zoning designation of I-2, with the following restrictions:

- a. Maximum Area = 300 sq. ft. (2 signs per facing)
- b. Maximum Height = 20 ft.
- c. Minimum Setback = 50 feet from property line or 200 feet from any intersection of streets, whichever is greater
- d. Limitation in Number = 1 per lot or parcel, with the provision that said lot or parcel is a minimum of 2 acres in size
- e. Placement = may not be located within 2,000 feet of another off-premises sign;

## ***SIGNS - continued***

may not be located within 1,000 feet of a residential district or residential portion of a PUD

### **8.07 Bus Bench Signs:**

- a. No more than two bus benches may be placed at a given bus stop, unless otherwise permitted by the City in agreement with RTD.
- b. No permit will be issued for a bus bench at an RTD bus stop adjacent to any residentially-zoned property without written consent of the owner(s) of the adjacent property.
- c. Bus Benches must be placed at least three feet from the curb or edge of pavement if no curb exists. Benches may not interfere with the safe and efficient passage of pedestrians, and specifically may not impede pedestrian access to or use of traffic control devices.
- d. Benches must be constructed of substantial materials, must be no longer than 8 feet, no higher than 42 inches, no wider than 30 inches, and must weigh no less than 300 pounds. The permittee shall maintain all benches bearing advertising in a safe and clean condition at all times. Damaged or disfigured benches shall be repaired or replaced immediately upon notification by the City of such damage or disfigurement, or the bench will be removed. The area around and under the bench must be kept clear of ice, snow, mud, trash and weeds.
- e. Advertising placed on RTD bus stop benches shall display no fluorescent or other reflective color or material.
- f. The bench company name and phone number must be on each bench.
- g. The City shall have the right to remove any bus stop advertising bench within the public right-of-way after giving 15 days written notice to the bench owner of the removal. In cases where a bus bench creates a public safety hazard, the City may remove the bench without any written notice.

**8.08 Off-premises commercial signs** shall be permitted on commercial property that is greater than one-hundred (100) acres in size and is located adjacent to a state highway, with the following restrictions:

- a. Maximum Area = 130 sq. ft. per sign face for every 15 ft. in height, as set forth below, with a maximum of 390 sq. ft. per sign face (signs are restricted to two (2) faces per sign).
- b. Maximum Height = 15 ft. for every 100 hundred acres of commercial land, with a maximum height of forty-five (45) feet.
- c. Minimum Setback = Five (5) feet from any perimeter property lines while preserving all sight triangles.
- d. Limitation in Number = 2 per 100 acres of commercial land.
- e. Placement = May not be located within 100 feet of another off-premises commercial sign and may not be located within 500 feet of a residential district or residential portion of a PUD.

## **9.0 Non-Conforming Signs**

## ***SIGNS - continued***

Non-conforming signs must be brought into compliance with this Code or must be removed, when any of the following conditions exist:

**9.01** Whenever there is a change in the name of the business activity or the type of business activity to which the sign pertains.

**9.02** When the property is vacant for a period of at least sixty (60) days.

**9.03** When a sign and/or sign structure is damaged or destroyed in a monetary amount which exceeds fifty (50%) percent of its total replacement cost, or becomes a hazard or potential hazard.

**9.04** When there is a zone change initiated by the business or property owner.

**9.05** When a sign and/or sign structure is abandoned, including empty frames.

**9.06** When an existing structure is changed in size, location, height, or setback.

**9.07** When improvements are being made to the facade of a building on a property on which a non-conforming sign is located.

**9.08** Existing signs which were nonconforming prior to the effective date hereof shall be removed or brought into conformance within two (2) years of the effective date hereof. Existing signs which were made nonconforming hereunder shall be removed or brought into conformance within five (5) years of the effective date hereof.

### **10.0 Enforcement**

The provisions herein shall be enforced by the City Manager and his duly authorized representative(s). It shall be unlawful to erect, construct, reconstruct, alter, or change any sign without first obtaining a sign permit from the City of Brighton, and no permit shall be issued unless plans of, and for, the proposed erection, construction, reconstruction, alteration, or use, fully conform to the *Zoning Ordinance* and the regulations herein stated.

### **11.0 Violations and Penalties**

It shall be unlawful to erect, construct, move or change the use of any sign in the City of Brighton or cause the same to be done contrary to, or in violation of, the provisions of this Ordinance or amendment thereof. Any person, firm, or corporation, whether as principal, agent, employee, or otherwise, either as owner, lessee, occupant, or otherwise, who violates any of the provisions set forth herein, or any amendment thereof, or who interferes in any manner with any person in the performance of a right or duty granted or imposed upon him by the provisions of the *Zoning Ordinance* and conviction thereof, shall be subject to a fine not to exceed one thousand dollars (\$1,000.00) or imprisonment for a period not to exceed one year, or both. Each day of the existence of any violation shall be deemed a separate offense, subject to the above referenced penalties.

**SIGNS - continued**

**12.0 Sign Area Calculations for Commercial and Industrial Zoned Properties**

**12.01** Total sign square footage for the property allowable is based on street frontage. Where no street frontage exists, building frontage will be used to calculate allowed footage. The total sign area allowed shall be calculated as one foot of sign per one foot of frontage.

**Example:** A building has 100 feet of street frontage. The calculation would be as follows:  
***(100 X 1) = 100 square feet of allowed sign.***

**12.02** Wall signs — No wall sign(s) shall exceed ten percent (10%) of the wall face to which it is attached. When commercial areas are adjacent to residential areas, the use of illuminated signs may be restricted at the discretion of the Community Development Director.

**12.03** Free-Standing or Monument Signs — No single property shall have any free-standing or monument sign located closer than 500 feet from any other free standing or monument sign on the same property. *(Please refer to 12.05 for sign calculations.)*

**12.04** Sign setbacks for all signs other than Projecting, Marquee, or Awning signs along Main Street in the Downtown District shall be measured from the inside of the sidewalk, or four feet (4') from the inside face of the curb where no sidewalk exists, to the front of the sign face.

**12.05** The size and height limits for freestanding and monument signs are as outlined in Table I following:

<b><u>TABLE I</u></b>		
<b><u>Setback</u> (From Property Line)</b>	<b><u>Maximum Height</u></b>	<b><u>Maximum Size Allowed</u> (per face)</b>
< 1 foot	30 inches	2 square feet
≥ 1 foot < 9 feet	6 feet	20 square feet
≥ 9 feet < 15 feet	8 feet	40 square feet
≥ 15 feet < 20 feet	14 feet	60 square feet
≥ 20 feet ≤ 25 feet	20 feet	80 square feet

No sign regulated by this section shall exceed twenty feet (20') in height or eighty (80) square feet of face, unless permitted by section 13.0.

**12.06 Height and Sign Area Exceptions for Freeway-Oriented Ground Mount/monument or Pole/freestanding Signs:**

In Commercial and Industrial Zone Districts, all signs located within a 350 foot



## ***SIGNS - continued***

radius of the center of an interchange (except for Interstate 76 interchanges which have a 500 foot radius) shall be allowed to be a maximum area of one hundred (100) square feet and a maximum height of fifty feet (50') and shall be allowed to locate on or near the property line. All other signs located along the freeway corridors shall be a maximum area of eighty (80) square feet and a maximum height of twenty feet (20') and shall be allowed to locate on or near the property line.

### **13.0 Criteria for Bonus Sign Area**

To encourage excellence in design and to protect and enhance public health, safety, and welfare by reducing visually intrusive signs and promoting community aesthetics, the maximum sign area for freestanding and wall signs for all non-residential uses, as set forth herein, may be increased by the percentages set forth below, if the following criteria are met. A separate bonus shall be granted for compliance with each of the criteria; the bonus is based upon the original allowed size standard. Any bonus shall be counted toward the total allowable square footage. If fractions occur when bonuses are calculated, round fractions of .05 or above to the next higher number, and round fractions less than .05 to the next lower number. All site plans and sign designs submitted for Bonus Sign Area consideration shall be reviewed and approved by the Community Development Director.

#### **13.01 Freestanding Identification Sign Bonuses**

Bonus Sign Area for Freestanding Identification Signs may be earned through utilizing any combination of the following two (2) categories. The maximum bonus area allowed is twenty percent (20%) of the allowed sign area as outlined in Section 12.0.

- a. **Integration with Building Architecture Design:** A ten percent (10%) bonus shall be available if all the freestanding signs are designed to be integrated with the building structure and design such that visual clutter is reduced, and overall community aesthetics enhanced. The sign will be considered well integrated if the same or similar building materials and colors are used.
- b. **Landscaped Signs:** A ten percent (10%) bonus shall be available if all the freestanding signs within the development are located within a landscaped area. A minimum of three square feet of landscaping shall be provided for every one square foot of sign face. Only one face of the sign will be counted. The portion of the sign on the ground shall not count toward the landscaping. Seventy-five percent (75%) of the sign area landscaping shall be living plants for period of three years or a specific landscaping design approved by the Community Development Director.

#### **13.02 REPEALED**

### **14.0 Exemptions**

***SIGNS - continued***

**14.01** Works of art, architectural features or permanent building decorations that are integral to the design of a building or provide an artistic accent are exempt from the provisions herein if they:

- a. Do not identify or advertise a business, business activity, or product that is available for sale on the premises; and
- b. Do not consist of a company name, symbol, or trademark designed to be readily identifiable as a logo; and
- c. Comply with building height limits and setback requirements applicable to the property on which they are located.

**14.02** Scoreboards located adjacent to athletic fields are exempt from the provisions herein.

**15.0 SIGN SCHEDULE (next page)**

**SIGNS - continued**

**15.01 Signs shall be permitted in the applicable Zone Districts according to the following schedule: (refer to text for particular regulations)**

**A = Allowed without a sign permit**

**P = Allowed with a sign permit**

**N = Not allowed**

**> = Dependent upon PUD regulations**

**\* = Limited time (refer to particular regulations)**

	RE	R1	R1A/ R1B/R2/R3	MH	DT/ MU	PUD	S4MU/CO/C1/ C2/C3/BP	I1	I2	FC	MC	PL	OPEN	AR/AE
Accessory/Identification	A	A	A	A	A	A	A	A	A	A	A	A	A	A
Awning	N	N	N	N	P	>	P	P	P	N	N	P	N	N
Banner	N	N	N	N	P*	>	P*	P*	P*	P*	P*	P*	P*	N
Canopy	N	N	N	N	P	>	P	P	P	N	N	P	N	N
Changeable Copy	N	N	N	N	P	>	P	P	P	N	N	P	N	N
Construction/Development	A*	A*	A*	A*	A*	A*	A*	A*	A*	A*	A*	A*	A*	A*
Directory	N	N	P	P	P	>	P	P	P	N	N	P	N	N
Electronic Message	N	N	N	N	P	>	P	P	P	N	N	P	N	N
Freestanding	P	N	N	P	P	>	P	P	P	N	N	P	N	N
Individual Letter	A	A	A	A	A	A	A	A	A	N	N	A	N	A
Marquee	N	N	N	N	P	>	P	P	P	N	N	P	N	N
Monument	N	N	N	N	P	>	P	P	P	N	N	P	P	N
Off-premises	N	N	N	N	P	>	P	P	P	N	N	N	N	N
Pennant	N	N	N	N	P*	>	P*	P*	P*	P*	P*	P*	P*	N
Political	A*	A*	A*	A*	A*	A*	A*	A*	A*	A*	A*	A*	A*	A*
Portable	N	N	N	N	P*	>	P*	P*	P*	P*	P*	P*	P*	N
Projecting	N	N	N	N	P	>	P	P	P	N	N	P	N	N
Real Estate	A*	A*	A*	A*	A*	A*	A*	A*	A*	A*	A*	A*	A*	A*
Subdivision	P	P	P	P	N	>	N	N	N	N	N	N	N	P
Subdivision Directional	P*	P*	P*	P*	P*	P*	P*	P*	P*	P*	P*	P*	P*	P*
Temporary	N	N	N	N	P*	>	P*	P*	P*	N	N	P*	N	N
Vehicle	N	N	N	N	N	N	N	N	N	N	N	N	N	N
Wall	N	N	N	N	P	>	P	P	P	N	N	P	N	N
Window	N	N	N	N	A	>	A	A	A	N	N	A	N	N

## **K. SWIMMING POOLS**

1. **General Application.** A swimming pool may be permitted in any zone district as a private accessory use subject to the following requirements:
  - a. No swimming pool may be located in any required front yard.
  - b. All swimming pools shall be completely enclosed by a fence not less than 72-inches in height with no openings large enough to permit children to pass through other than gates or doors that are equipped with self latching devices placed on the inside top of the gate, not readily accessible to children. Such fence may enclose only the pool area, the entire lot, or a portion of the lot on which the pool area itself for public or semi-public pools.
  - c. All pools existing at the time of passage of this Ordinance shall be completely enclosed as described above, within two years of the date of this Ordinance.
  - d. The above provisions shall not apply to wading pools with a maximum possible water depth of fourteen inches (14") inches or less.

**L. FINANCIAL GUARANTEES**

1. If at the time of a request for a certificate of occupancy, or request for the public or private use of a road, sidewalk, sewer and/or water facility, or other improvement required by the City, all work required by a building permit, development agreement, subdivision plat, annexation agreement, site specific development plan, PUD, variance, conditional use, special use, landscape plan, subdivision ordinance, Uniform Building Code, and/or zoning ordinance, is not completed, the developer shall provide financial security in the form of an escrow of funds with the City, a letter of credit, or other suitable financial guarantee that is acceptable to the City Attorney to secure the installation or completion of such improvement(s), including without limitation, landscaping, building and site treatment, sewer, water, street, and other improvements.
2. The City Manager, or his designee, shall establish the amount and term of the financial guarantee.
3. The developer shall install or complete the improvement(s) within the time specified in the development agreement, landscape plan, site specific development plan, PUD, or other document outlined in Subsection 1, above.
4. The City Manager, or his designee, shall review the financial guarantee periodically to assure that it meets the full current cost of installing or completing the improvement(s) and that it guarantees and may require the developer to augment the guarantee to meet such costs.
5. If the improvement(s) is not completed within the required time, the City Manager, or his designee, may cause it to be completed and collect against the financial guarantee, or, if the guarantee is exhausted, against the developer for the full cost of completion.
6. The requirements of this section are in addition to any requirements for financial guarantees under any other provision of this *Zoning Ordinance* or the *Municipal Code of Brighton*.

## **M. MINIATURE GOLF COURSES**

1. **Permit Required.** No person, firm, or corporation shall construct, establish, or build or cause to be constructed, established or built, a miniature golf course or any such structure without first having obtained site plan approval and a building permit for this purpose.
2. **Site Plan Required.** Prior to application for a building permit, the developer of any miniature golf course shall prepare and submit a site specific development plan for approval by the City. The site plan shall incorporate the development standards and requirements stipulated herein. It will further define in detail such items as property setbacks, trash enclosures, landscaping plan, restroom facilities, offices, ancillary services (*ie.* golf club rental), access, circulation, parking, etc.
3. **Development Standards and Requirements**

The following standards and requirements shall apply to all miniature golf course development within the City of Brighton:

a. **Minimum Area**

18 hole course	—	8,000 square feet
27 hole course	—	12,000 square feet
36 hole course	—	16,000 square feet

b. **Minimum Lot Width**

90 feet

c. **Minimum Setbacks**

(1) Front:

From any public right-of-way, adjacent residential, commercial or office use	—	50 feet
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(2) Side/Rear:

From adjacent residential uses	—	50 feet
From adjacent commercial/Office uses	—	20 feet
From any public right-of-way	—	50 feet

(3) Corner Lots:

## ***MINIATURE GOLF COURSES - continued***

For all sides adjacent to public right-of-way— 50 feet

- (4) Based upon the characteristics of surrounding land uses, setbacks may be adjusted either upward or downward by the Department of Community Development.

d. **Maximum Height.** The maximum height of any structure on site is eighteen feet (18").

e. **Construction and Building Requirements**

- (1) All construction shall meet or exceed the City-adopted building and fire codes. All plans, foundation, lot line setbacks, and facility construction shall be subject to City of Brighton and Brighton Fire Protection District inspections and approvals.
- (2) No structure of a temporary nature, such as a trailer or any other outbuilding, shall be occupied or used on a permanent basis after two full years of operation. Permanent facilities must be constructed under permit after this time if the use is to continue.

f. **Operations and Storage**

- (1) Hours of operation shall not extend beyond midnight in commercial areas and 10 P.M. in areas adjacent to residential uses.
- (2) Any outside storage shall be enclosed by a solid fence, wall, or evergreen shrubs which fully conceal such storage from the view of adjacent properties and public rights-of-way.

g. **Lighting**

Each site plan shall include the location and a sketch elevation to scale of all lighting fixtures that will be used to illuminate the site for evening play. These fixtures must be of sufficient size and number to adequately illuminate the site without casting direct light on neighboring properties or public rights-of-way.

h. **Landscaping Requirements**

- (1) **General Application.** The entire site of a miniature golf course, excluding the parking area, shall be considered a landscaped area for planting requirements.
- (2) **Landscaped Areas**

### ***MINIATURE GOLF COURSES - continued***

- (a) Sixty percent (60%) of the site shall be planted with trees, shrubs or other vegetative material.
- (b) At the time of planting or installation, the minimum size and character of plant materials shall be as follows:
  - 1.) Deciduous Trees — one and one-half-inch (1-1/2") caliper measured at a point two feet (2') above the foot ball.
  - 2.) Evergreen trees — six feet (6') to eight feet (8') in height measured from the ground when planted.
  - 3.) Deciduous and evergreen shrubs and hedges — five (5) gallon container size. All material must meet specifications of the American Association of Nurserymen (ANN).
- (c) One and one-half (1-1/2) trees shall be required to be planted on site for every miniature golf course hole. Five (5) shrubs equal one tree equivalent.
- (d) An automatic irrigation system shall be provided for all landscaped areas.
- (e) All setback areas shall be landscaped.

### **(3) Maintenance**

- (a) The owner, tenant, operator, and their agents, if any, shall be jointly and severably responsible for the maintenance of all landscaping. It shall be maintained in good condition so as to present a healthy, neat, and orderly appearance and shall be kept free from weeds, refuse and debris. Planted areas must be maintained to at least original plan specifications as to the minimum number and size of plants, all dead and dying plants must be replaced.
- (b) All plant growth in landscaped areas shall be controlled by pruning, trimming, or otherwise so that:
  - 1.) It will not interfere with the maintenance or repair of any public utility. Landscaping removed or damaged as a result of such maintenance or repair shall be replaced to original conditions at the owner's expense.



***MINIATURE GOLF COURSES - continued***

- 2.) It will not restrict pedestrian or vehicular access.
- 3.) It will not constitute a traffic hazard because of reduced visibility.

**i. Fencing Requirements**

No solid fence of any type shall be permitted within any required landscaped area, except a masonry or rock wall which is an integrated element of the landscaping. An open style fence of no more than twelve-inches (12") in height shall be permitted within side or rear setbacks. Higher fences may be granted for security reasons after approval by the City.

**j. Signage**

- k. All regulations in the City of Brighton Zoning Ordinance shall apply to miniature golf courses.

**l. Restroom Facilities**

- (1) Facilities shall be provided within 200 feet of the office or check-out area for initiation of operations. Permanent on-site restroom facilities must be provided after two full years of operation within 200 feet of the office or check-out area.
- (2) Restroom fixtures within these facilities shall be provided at the rates of fixtures per person as designated in the *Uniform Plumbing Code*, Appendix C, Assembly Places — Minimum Plumbing Facilities.

**N. COMMERCIAL MOBILE RADIO SERVICE (CMRS) FACILITIES**

1. **Permit Required.** No person, firm, or corporation shall construct, establish, or build or cause to be constructed, established or built, a CMRS facility without first having obtained site plan approval and a building permit for this purpose.
2. **Definitions**
  - a. **CMRS Facilities:**
    - (1) Commercial Mobile Radio Service (CMRS) Facility. Commercial Mobile Radio Service (CMRS) Facility means an unmanned facility, also known as a low power telecommunication facility, consisting of an antennae, equipment, and equipment storage shelters used for the reception, switching and/or transmission of wireless telecommunications including, but not limited to, paging, enhanced specialized mobile radio, personal communications services, cellular telephone, and similar technologies. These facilities operate at 1,000 watts or less effective radiated power and within frequencies authorized by the Federal Communications Commission for such purposes.
    - (2) Freestanding CMRS Facility. Freestanding CMRS facility means a primary low power telecommunication facility that consists of a stand-alone support structure, antennas, and accessory equipment.
    - (3) Micro-cell CMRS Facility. Micro-cell CMRS facility means a low power telecommunication facility used to provide increased capacity in areas of high telecommunication demand or to improve coverage in areas of weak coverage. It communicates with the primary switch of a provider's service area via fiber optic cable, copper, T1, microwave, or other media.
    - (4) Repeater CMRS Facility. Repeater CMRS facility means a low power telecommunication facility that extends coverage to areas not covered by the originating primary facility.
    - (5) Wall Mounted or Building Roof CMRS Facility. Wall mounted or building roof CMRS facility means a CMRS facility where antennae are mounted either on the face(s) or roof of a legally existing building or structure other than a building or structure accessory to a telecommunication facility. Facilities within this category may include micro-cell or repeater facilities.
  - b. Accessory Equipment for CMRS Facilities. Accessory equipment for CMRS facilities means equipment, including buildings and cabinets, used to protect and enable operation of radio switching equipment, back-up power and other devices, but not including antennas, that is necessary for the operation of a CMRS facility.
  - c. Co-location. Two or more CMRS providers having joint use of sites and/or facilities.

**COMMERCIAL MOBILE RADIO SERVICE (CMRS) FACILITIES - continued**

- d. Microwave Antenna. Microwave antenna means a dish type antenna used to link communication sites together by wireless voice or data transmission.
- e. Monopole. Monopole means a structure composed of a single spire used to support telecommunications equipment.
- f. Panel Antennas. Panel antennas means an array of antennas, rectangular in shape, used to transmit and receive telecommunication signals.
- g. Whip Antenna. Whip antenna means a single antenna that is cylindrical in shape.

**3. CMRS Facility Standards**

- a. Standards for all CMRS facilities.
  - (1) These standards shall apply to all applications submitted for an administrative review or conditional use approval for a CMRS facility.
  - (2) The City encourages all CMRS providers to be creative in the siting and concealing of CMRS facilities.
  - (3) All wall mounted, building roof, micro-cell, or repeater CMRS facilities shall be incorporated onto legally existing buildings or structures. If the applicant cannot conform to this requirement, written evidence must be provided stating specific reasons why incorporation in to existing structures is not possible.
  - (4) The City encourages co-location of CMRS facilities to minimize the number of telecommunication sites.
    - A. No CMRS facility applicant shall unfairly exclude a telecommunication competitor from using the same facility or location. Upon request by the City, the applicant shall provide evidence that co-location is not possible.
  - (5) All CMRS facilities shall meet the following standards to minimize impact:
    - A. Use existing land forms, vegetation, and structures to aid in screening the facility from view or blending in with the surrounding built and natural environment;
    - B. Comply with all applicable landscape regulations;
    - C. Accommodate co-location of facilities unless the City approves a written explanation from the applicant stating reasons why co-location is not possible; and

**COMMERCIAL MOBILE RADIO SERVICE (CMRS) FACILITIES - continued**

- D. Design, materials, colors and location of the facility shall be compatible with the surrounding environment, the building or structure it may be mounted on, and minimize adverse visual impacts.
- (6) Accessory equipment for CMRS facilities shall meet the following requirements:
- A. The buildings, shelters, cabinets, and components shall be grouped as closely as technically possible;
  - B. No accessory CRMS equipment structure shall exceed fifteen (15) feet in height;
  - C. Design, materials, and colors of all structures shall be compatible with structures and vegetation on the same parcel and adjacent parcels, and shall not reduce the parking requirement and landscaped area for other principal uses. Any fencing materials are to be compatible with fencing materials used in surrounding land uses and/or to blend with the surrounding environment.
- (7) CMRS facility owners or operators shall verify that:
- A. The CMRS facility complies at all times with the current Federal Communications Commission standards for cumulative field measurements or radio frequency power densities and electromagnetic fields and that the facility complies at all times with the current Federal Communication Commission regulations prohibiting localized interference with reception of television and radio broadcasts.
- (8) If the CMRS facility ceases operating for six consecutive months:
- A. The facility owner or operator shall remove it within 90 days. Upon removal, the site shall be restored or re-vegetated to blend with the surrounding environment.
  - B. Any conditional use site plan approving the telecommunication facility shall expire.
- b. Standards for freestanding CMRS facilities.
- (1) A freestanding CMRS facility shall meet the setback for a principal building within the applicable zoning or twenty percent (20%) of the antennae support structure height, whichever is greater.
  - (2) A freestanding CMRS facility, including antennas, shall not exceed fifteen (15)

**COMMERCIAL MOBILE RADIO SERVICE (CMRS) FACILITIES - continued**

feet above the maximum structure height within the applicable zoning district unless a height variance is approved by the Board of Adjustment.

- (3) A freestanding CMRS facility, including antennas and support structures shall be designed and constructed to minimize negative visual impacts and disguise the facility in the most creative manner. If the applicant believes this is not possible, written justification must be submitted outlining the reasons.
- (4) Antennas and support structures are to be painted to blend with the surrounding environment and/or match the support structure to which they are attached. For equipment that will be visible against the sky, the use of white, gray or other light shades are required.

c. Standards for wall mounted or building roof CMRS facilities.

- (1) A wall mounted CMRS facility may encroach into a setback a maximum of 2.5 feet, but shall not extend over a property line.
- (2) A building roof CMRS facility, including antennas, shall not exceed the maximum structure height within the applicable zoning district, with the following exceptions for facilities on existing buildings exceeding or within five feet of the height limit:
  - A. Whip antennas shall extend no more than 10 feet above the parapet of the roof or the structure to which they are mounted;
  - B. Panel antennas shall extend no more than five feet above the parapet of the roof to which they are mounted; and
  - C. Accessory equipment structures shall extend no more than five feet above any parapet of the roof to which they are mounted.
- (3) The CMRS facility shall be mounted on a building wall if feasible, otherwise it may be mounted on the roof.

- d. Abandonment. Any CMRS facility which is not in use for six (6) months for low power mobile radio service purposes shall be removed by the CMRS facility owner. This removal shall occur within ninety (90) days of the end of the six month period. Upon removal, the site shall be re-vegetated to blend with the existing surrounding vegetation.

- 4. **Application Denial.** A final decision by the city to deny an application under this chapter shall be in writing and related to regulations and restrictions herein.